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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Seventeenth session

SUMMARY RECORD OF THE 352nd MEETING

Held at Headquarters, New York,
on Friday, 18 July 1997, at 10.30 a.m.

Chairperson: Ms. KHAN

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Third periodic report of Australia

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Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

97-81723 (E)

The meeting was called to order at 10.50 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Third periodic report of Australia (CEDAW/C/AUL/3)

1. At the invitation of the Chairperson, Ms. Nairn (Australia) took a place at the Committee table.

2. Ms. NAIRN (Australia) said that the third periodic report of Australia (CEDAW/C/AUL/3) had originally been prepared in 1993 as a supplement to the second periodic report, and should have been taken up by the Committee in 1995; Australia could then have combined its third and fourth periodic reports. Lengthy delays between the submission of reports and their consideration by the Committee hindered constructive dialogue between the Committee and States parties; her Government had therefore welcomed the General Assembly's decision to approve additional sessions for the Committee.

3. Unfortunately, the third periodic report had been prepared without input from non-governmental organizations, and her Government had not been in a position to prepare a supplementary report. The preparation of reports was resource-intensive, especially in a federal system like that of Australia. Already in 1997 her Government had submitted an implementation report on the Beijing Platform for Action, which was available to the Committee.

4. Australia had put in place a framework of anti-discrimination legislation and positive legislative measures, strategies and programmes to assist women. It had also developed a range of government-funded services to meet the specific needs of women, which were run by women for women. At the federal, state and territory levels, specialized government machinery had been set up to advise on issues relating to the status of women and to monitor and evaluate the outcomes for women of government policies and programmes. The machinery had been further strengthened by the establishment of a ministerial forum, the Commonwealth/State and Territories Ministers' Conference on the Status of Women. Australia was committed to consolidating and increasing the gains made towards full equality for women and the full implementation of the Convention. That commitment was reflected in the Federal Sex Discrimination Act, 1984. Each of the states and territories had enacted anti-discrimination legislation which was intended to operate concurrently with the Act. Amendments had been made to the Act in 1995 in order to link it more closely to the Convention. Australia recognized that far-reaching cultural and economic change could only happen over time, however.

5. The new Government of Australia, elected in March 1996, had reaffirmed and strengthened the policy of mainstreaming introduced by the previous Government, ensuring that all government departments addressed gender issues in their policies and programmes. Specialized units within departments played an important role in enhancing linkages and cooperation. Her Government was also encouraging women's organizations to work more closely with government departments, thereby promoting better communications and participation by

women's groups in policy decision-making and enabling women's organizations to access mainstream resources. It was committed to implementing policies to enable women to participate in the paid workforce through greater flexibility in the workplace, support for the provision of childcare and the development of broader options for employment and training. It was also committed to providing greater financial support for women who chose to stay at home. In a tight fiscal environment, however, difficult choices sometimes had to be made.

6. Following the massacre of 35 people at Port Arthur in 1996, stringent gun control laws had been introduced in Australia. Through the National Campaign Against Violence and Crime, her Government, in cooperation with the states and territories, would attempt to address some of the concerns women had expressed about crime and violence in Australia and coordinate crime prevention efforts. It had allocated $13 million over three years to the campaign.

7. In 1996, the Australian Bureau of Statistics had undertaken a national survey on violence against women. Its report, Women's Safety Australia, indicated that violence against women remained a significant issue and that preventive efforts must be increased. It was estimated that 7 per cent of the approximately 9 million women in Australia had experienced some form of violence in the 12 months prior to the survey. Only a small proportion of women who had been physically or sexually assaulted had contacted a crisis service. The challenge for governments and service organizations was how to address the damaging impact of violence on women and on children, since children who were abused or witnessed violence often grew up to be violent or to be victims of violence in adult life.

8. The Prime Minister planned to convene a National Domestic Violence Summit later in 1997; a National Domestic Violence Forum had been held in September 1996 and had been attended by experts from government and non-governmental sectors who had prepared specific and practical recommendations. Prior to the forum, a group of indigenous women had met to prepare input for the forum. The aim of the summit would be to develop a more comprehensive approach to preventing and responding to domestic violence across Australia and to facilitate national approaches to law reform, research, data collection and community education.

9. The portrayal of violence in the media was a serious issue which must be tackled. In April 1997, the Government had announced a number of decisions regarding the availability of sexually explicit and violent film and video material. A ministerial committee had been established to examine the portrayal of violence in the electronic media, and had made a number of recommendations. The community broadcasting sector had developed a self-regulatory code of practice, registered with the Australian Broadcasting Authority, banning the broadcasting of material which stereotyped or demeaned any person or group on the basis of gender.

10. Australia had established a national women's health policy with the objective of improving the health and well-being of women in Australia and encouraging the health system to be more responsive to the needs of women. The National Women's Health Programme, launched in April 1989, focused on improving primary health-care services to women who were at a disadvantage - whether

economically or because of geographical isolation - or for whom culturally appropriate services needed to be delivered. It was a requirement of funding that women should be actively involved in the provision of those services. A longitudinal study "Women's Health in Australia", designed to guide the future planning and delivery of health services for women, had commenced in 1996. The main study would follow a large group of women from urban, rural and remote areas for up to 20 years. Two special studies would be undertaken on the health of indigenous women and women from non-English-speaking backgrounds. Other programmes and services for Australian women included alternative birthing services and cancer screening programmes. The Office of Aboriginal and Torres Strait Islander Health Services in the Department of Health and Family Services was developing a strategy to improve training for Aboriginal health workers, promote breastfeeding and appropriate infant feeding, and support community controlled health services. Eleven per cent of the total funding for the women's health programmes was allocated to projects specifically intended for Aboriginal and Torres Strait Islander women, and a further 35 projects included those women among their target groups.

11. Over the past 20 years, there had been an increase in the proportion of women in the medical profession. The Australian Medical Workforce Advisory Committee was undertaking research on issues affecting female participation in the medical workforce.

12. Her Government was concerned that young women and girls migrating to Australia, particularly from the Horn of Africa, might be at risk of female genital mutilation practices after settling in Australia; legislation prohibiting such practices had been introduced in most states and territories since 1995. In consultation with the relevant ethnic communities, the National Education Programme on Female Genital Mutilation in the Department of Health and Family Services had developed a programme to prevent female genital mutilation in Australia, assist women and girls living in Australia who had already undergone the practice, and assist health and other workers in providing culturally appropriate services to ethnic communities. In addition, the Royal Australian College of Obstetricians and Gynaecologists was developing material for inclusion in curricula in health training institutions.

13. The Committee had encouraged Australia to adopt new temporary measures to increase women's participation in politics at the state and federal levels. The latest federal elections had increased the number of women in the Federal Parliament to 15.5 per cent of representatives in the lower house and 30 per cent in the upper house. The total percentage of women representatives in the Australian parliament was now 21 per cent, an increase of 6 per cent in just two years, and a level that was nearly double the international average. In addition, there were now four women ministers, two of whom were in the Cabinet. In 1996, the first woman president of the senate had been elected, and in 1997, for the first time, both the president and the vice-president of the senate had been women.

14. All the major political parties had implemented strategies to seek out potential women candidates and develop their skills and experience. Over the past decade, the proportion of female parliamentarians in the states and territories had increased from 9 per cent to 17 per cent. Three state or

territory governments had been led by women in recent years. Women's representation in local government had also increased from 13 per cent in 1986 to 25 per cent in 1996. Her Government would continue to work for greater participation by women in Parliament. It believed that its efforts to identify, encourage and provide mentoring for skilled women were more effective than arbitrary quotas. The Office of the Status of Women had updated and republished Every Woman's Guide to Getting into Politics, which had been widely distributed. It was also implementing a strategy to improve the participation rates of women on commonwealth boards and bodies, which would be tested through a pilot programme in a number of government departments. In the private sector, the Office of the Status of Women, in cooperation with the Australian Council of Businesswomen, industry groups and businesses, was undertaking a study of ways to identify suitable women candidates for company boards.

15. Recent figures suggested that the private sector was slowly responding to change. Overall, women held 24 per cent of management positions in the private sector, and comprised 14 per cent of middle management. The Affirmative Action Agency had established affirmative action awards for employers. Since 1993, the Agency had been undertaking an education strategy to assist organizations in implementing effective affirmative action programmes; an accreditation scheme, to be introduced in 1998, would recognize and reward organizations with high quality affirmative action programmes.

16. Over the past 10 years, the number of women participating in the Australian labour force had grown by 30 per cent; women now made up 43 per cent of employed persons. Part-time and casual work had become much more common, as well as flexible hours and teleworking. The ability to combine family and work responsibilities effectively remained a significant challenge for Australian workplaces, however. Her Government was funding a variety of childcare services and subsidizing fees for eligible families. It also provided childcare assistance and childcare cash rebates to needy families. Total expenditure on childcare would be $1.146 billion in the current financial year, with further real growth anticipated.

17. In 1996, her Government had established a new country-wide legislative basis for industrial relations, designed to support more flexible and productive workplace relations. The legislation provided, in particular, for a minimum of 12 months' parental leave, and for improved job security for employees with family responsibilities, and facilitated part-time working arrangements and the formalization of workplace agreements to suit individual circumstances. An Office of the Employee Advocate had been established to provide advice and assistance in regard to agreements, with particular attention being paid to the needs of women, and of other categories of employees, in order to assist them to balance work and family responsibilities.

18. Between 1986 and 1996, there had been a marginal narrowing of the discrepancy between average male and female earnings; in 1996, for example, non-managerial female employees earned 89.5 per cent of equivalent male earnings, which represented an increase of 0.8 per cent as compared with 1986.

19. Her Government recognized the special needs of women in workplace relations matters through Working Women's Centres which provided information and

assistance to women on a range of workplace issues and operated mainly as a referral point to government departments and other agencies which enabled women to get reliable information on matters such as training and working conditions, employment discrimination and occupational health and safety.

20. Equality for women could not be achieved without economic security and independence. However, owing to a combination of reasons, including the fact that women lived longer than men, had longer periods outside the labour force and were more likely to be primary carers of children and others, Australian women remained disproportionately dependent on social security payments.

21. Women in Australia had access to a comprehensive income security safety net and were entitled, depending on their circumstances, to a wide range of payments from the social security system including a parenting allowance and sole parent pension, a partner allowance, which was a form of income support available to certain groups of older women not in the workforce, a maternity allowance and income supplements available to families with children. Income support was also available for both women and men who were not in the workforce because of unemployment, sickness, disability, or because they were caring for a person with a disability, or because of retirement.

22. In order to ensure that women's broken participation in the labour force and their relatively low pay did not put them at a disadvantage in relation to provision for their old age through superannuation, the Government had taken measures to ensure that spouses could contribute to their partner's superannuation fund or retirement savings account and receive a rebate if their partner was earning less than a specified amount. Retirement savings accounts were also available from most financial institutions and were designed to be especially suited to those with small superannuation contributions, the intention being to provide all low-income earners with greater flexibility to make arrangements for their retirement.

23. Her Government's instrument of ratification of the Convention contained two reservations, one relating to the introduction of maternity leave with pay, or with comparable social benefits, and the second relating to the employment of women in combat and combat-related duties in the Australian Defence Force.

24. In regard to maternity leave, significant progress had been made since her country had last reported to the Committee in 1992, but the Government was not in a position to remove its reservation as the provision of paid maternity leave varied considerably between and within the public and private sectors. Workers were entitled to up to 52 weeks' unpaid maternity leave. To assist families with extra costs incurred at the time of the birth of a baby, a maternity allowance had been introduced in February 1996 in the form of a non-taxable, lump-sum payment made to families that met the residence, income and assets tests.

25. Her country's current reservation relating to the Australian Defence Force was out of step with Government policy because a previous exemption in the legislation in respect of women in Australian Defence Force combat-related employment areas had been removed through an amendment to the Sex Discrimination Amendment Bill 1995. Almost 90 per cent of all employment areas in the

Australian Defence Force were open to women, the exemptions being areas of "combat duties" where the duties required a person to commit, or to participate directly in the commission of, an act of violence against an adversary in time of war. The Government was currently considering a recommendation that the reference in its reservation to the Convention relating to combat-related employment areas should be removed.

26. Her Government was in the process of ratifying the amendment to article 20, paragraph 1, of the Convention to remove the existing two-week limitation on the Committee's annual meeting time. In addition, her country supported the development of an Optional Protocol to the Convention and had begun the process of national consultation on the draft text that had been adopted by the Commission on the Status of Women.

27. Australia rejected racism in all its forms, but no society was without extremists and opportunists. Over the past 18 months, wide coverage had been given in the media and in political forums in Australia to the issues of race and the level of government assistance to groups with particular disadvantages. The Government's position in that debate had consistently been that people from anywhere in the world were welcome to come to Australia and, subject to its immigration programme, to live there and become Australian citizens. Australia had a sustained and continuing record as an open democracy, a fact that was overwhelmingly acknowledged and celebrated by Australians. While legislative guarantees of the entitlement of every Australian to respect and dignity were provided at the federal level and in many states and territories, legislation could not control every instance of prejudice, to which migrant and indigenous women were particularly vulnerable. The Australian Government continued to support legislation designed to control extreme forms of racist behaviour and to recognize that such legislation could set standards of appropriate behaviour.

28. The Council for Aboriginal Reconciliation, established in 1991, was committed to addressing indigenous disadvantage and to promoting the process of reconciliation between Aboriginal and Torres Strait Islander peoples and the wider Australian community. Recognizing that if reconciliation was to succeed it must be a people's movement, the Council had focused its attention on the long-term, cooperative processes required to achieve change and had, in particular, arranged a large number of meetings throughout the country which had been well attended. Women's meetings associated with the Convention had contributed to research commissioned by the Council into the particular role of women in the reconciliation process, and women's reconciliation groups had been formed in major cities and rural areas in most Australian states and territories.

29. Since the decision of the High Court in Mabo v. The State of Queensland, progress had been achieved on the issue of land rights. The High Court's Mabo (No. 2) decision of June 1992 had overturned the concept of terra nullius and recognized the existence of native title, referring to the overall interests and rights of all indigenous inhabitants in land, without reference to gender. The Native Title Act, passed in 1993, had provided for the recognition and protection of native title and had established a mechanism for determining claims to native title.

30. Since its Mabo (No. 2) decision, the High Court, in its decision in the Wik case, had adjudicated the sometimes conflicting claims of pastoral leases and native title to land. In particular, the Court had found that native title may not in all cases be extinguished by the grant of particular pastoral leases, that the effect of a pastoral lease on any native title must be determined on a case-by-case basis, and that any coexisting native title rights must "yield" to the rights of the pastoralist whose interests will "prevail" to the extent of any inconsistency.

31. Her Government was currently considering its response to the decision, and legislation was expected to be introduced in the Federal Parliament later in 1997 to address the rights of native title-holders and the legitimate interests of pastoralists.

32. A report had been submitted to the Federal Parliament in May 1997 on the separation of Aboriginal and Torres Strait Islander children from their families containing 54 recommendations which could be grouped into three categories concerning: reparation or compensation for the individuals, their families, communities and descendants; reunion, health and other services for those affected by past policies and practices; and legislative change to standardize current policies and practices on a national basis. Her Government was committed to a careful consideration of the report and of its recommendations, and to the development of a practical and realistic response.

33. A number of measures had been taken to address the problems of ill health among indigenous women in Australia, which also affected infants, children and families, and to which the Government attached the highest priority. The measures covered such fields as childbirth, reproductive and sexual information and services, programmes centred around the importance of breastfeeding, mental health, diabetes and sexual health, strategies to develop early diagnoses of HIV in indigenous peoples, the treatment, care and support of indigenous peoples living with HIV/AIDS and the control of sexually transmitted diseases.

34. The principal model for service delivery was the service controlled by the indigenous community and the policy was to consult indigenous women on all strategies in order to ensure that culturally appropriate actions were taken. Many women's health programmes were conducted by community-controlled services, and funded substance-abuse services conducted programmes specifically focusing on violence against women. The prevention of family violence and the promotion of family well-being in Aboriginal and Torres Strait Islander communities continued to be a high priority for the Government. However, effective intervention depended on recognizing the interconnections between injury and violence and other health issues confronting communities such as grief and loss, and alcohol and substance misuse, to which a wide-ranging holistic approach was adopted.

35. Aboriginal and Torres Strait Islander peoples living in urban areas had better opportunities to gain access to appropriate services and community infrastructure, including housing. In rural and remote regions of Australia, clean water, sanitation, appropriate housing, electricity and roads were still major problems, and in spite of the substantial financial contribution made annually to housing and infrastructure by the programmes of the Aboriginal and

Torres Strait Islander Commission, there remained a very substantial shortfall in the availability of funds required to deal with those problems. Progress towards appropriate environmental health infrastructure for the Aboriginal and Torres Strait Islander people remained an issue for her Government.

36. Australia was proud of its achievements to date in implementing the Convention, and believed that difficulties in promoting far-reaching cultural and economic change would only be overcome with the support and acceptance of the community. It remained determined to consolidate and build upon its achievements to realize the fundamental shift in attitudes and practices which would mark true equality for women in Australian society and bring about the full participation of women in their community to the benefit of their family, the community and the nation.

37. Turning to the questions on the third periodic report posed by the Committee, she said that the major obstacles to implementation of the Convention had not changed since the submission of the second periodic report. Despite universal access to health care, significant disparities continued to exist between the health of the general population in Australia and that of particular groups, especially indigenous peoples and those living in rural and remote areas.

38. Women's right to economic security and independence continued to be central to Government policies. The high concentration of women in the lowest-paid employment sectors and women's access to adequate retirement income were key issues yet to be addressed. Paid maternity leave was still not widely available outside the public sector, and employment opportunities for young women were limited. Young women aged 15 to 19 consistently had a higher unemployment rate, currently 31 per cent, compared to 26 per cent for young men in that age group. The ability to combine family and work responsibilities also remained a significant challenge. Caring was a gender issue which had emerged as a social policy issue as well. Australian women still carried the primary responsibility for the care of children, the sick, the disabled and the elderly.

39. Inequality in the sharing of power and decision-making continued to be a major concern. Without women's participation in the debate concerning Australia's future, the outcome would not reflect the hopes and aspirations of all its citizens. Community attitudes towards full equality for women, however, often lagged behind legislative initiatives, and the Government's role was often limited to leadership and facilitation.

40. From 1993 until June 1996, there had been 169 complaints of victimization under the Sex Discrimination Act. A further 16 had been received in the central office between July 1996 and June 1997. Of the latter, 14 had been referred to hearing, six of which had been settled or withdrawn. Of the remaining eight, three had been upheld, four dismissed and one found to be in the wrong forum. The amended Act was not applicable throughout Australia, but all states and territories had implemented their own sex discrimination legislation to complement the Commonwealth Act.

41. Since the resignation of the Sex Discrimination Commissioner in February 1997, that position had been filled by other Commissioners under

delegation while the Government considered the issue of a permanent appointment to the post.

42. Legislation, policy and programmes were reviewed on an ongoing basis to determine their impact on target groups. However, there had been no overall evaluation of the cumulative effect of measures to eliminate discrimination against women in Australia.

43. Explaining the background to the Administrative Decisions (Effect of International Treaties) Bill 1997, she said that it was a longstanding principle that the provisions of a treaty to which Australia was a party did not form part of Australian law unless they had been incorporated into domestic law by statute. Under the Constitution, the Government had the power to make Australia a party to a treaty, but it was for Australian parliaments to change the law to implement treaty obligations. The bill mentioned would not affect the operation of legislation passed to give effect to Australia's obligations under the Convention.

44. From 1993 until June 1996, 49 complaints of dismissal on the grounds of family responsibility had been made under the Human Rights and Equal Opportunity Legislation Amendment Act 1992. The Government did not currently plan any constitutional amendment to enshrine the principle of equality between women and men in the Australian Constitution.

45. With regard to compliance with the Equal Opportunity for Women Act, in 1992-1993, 11 organizations had been reported as failing to comply. After a review of their status in 1996, it was determined that four were meeting the requirements, two had gone out of business, and four still were not complying with the legislation. In 1996, the Affirmative Action Agency had introduced the Best Employers in Affirmative Action Awards, intended to identify, recognize and reward best practices in affirmative action. Six organizations had received the biennial award in 1996. The Agency's accreditation scheme, to be introduced in 1998, would recognize organizations with high-quality programmes as "Employers of Choice". In summary, it could be said that affirmative action legislation was having a positive impact in the firms it covered, and there had been a significant improvement in women's managerial representation.

46. When introduced in 1984, the Women's Budget Statement had been an innovation which provided information about the impact of government policies on women and instigated a process whereby departments were required to examine their activities from a gender perspective. Although a useful tool, the document was lengthy and its preparation required a great deal of resources. In 1996, the Government had decided that supplementary budget details would be released in the form of ministerial papers, which were more concise and considered the impact of policies on the status of women across portfolios.

47. In general, people living in urban areas had better access to services than those in rural and remote areas. Progress toward appropriate health infrastructure for Aboriginal and Torres Strait Islander people remained an issue. The Commonwealth Office of the Status of Women had disseminated widely an English language version of the Convention, but it had not been translated into other languages.

48. The recommendations contained in the report Half Way to Equal had in large part been implemented. The Parliamentary Committee had received only a few submissions from Aboriginal women, however, which might reflect the accessibility of parliamentary inquiries to certain communities. Those comments received on the special needs of Aboriginal women concentrated on access to education and training.

49. The Office of the Status of Women had ceased operation of its Register of Women in September 1996. The register had been based on self-nomination, which did not ensure that the women included had the necessary skills or experience for certain positions. A more strategic approach would be more effective in improving representation of women in decision-making positions.

50. The organizations recognized for excellence in affirmative action programmes had taken up affirmative action as a business issue and integrated it with their human resources management and industrial relations practice, and had based their programmes on a clear understanding of their particular needs and circumstances. While such organizations had much in common, their programmes were specific to their individual needs. For example, organizations with a large proportion of women staff had put into place career development or work and family initiatives, while those with a more male-dominated environment had put in place strategies to attract and retain women.

51. There were no statistics or evaluations showing the impact on the population of programmes to change the portrayal of women in the media and in advertising. The Federation of Australian Commercial Television Stations had a Code of Practice and related Advisory Notes which, among other things, recommended the avoidance of stereotyped gender portrayals and of language that unnecessarily excluded one sex, better balance in the use of women and men as experts and authorities and more coverage of women's achievements in areas such as sport. The Code had been revised in 1996; the Federation had invited public comment on it and on the Advisory Notes. Although Australia's national broadcasters were required to develop codes of practice, their programming and editorial policy were independent of the Government. The advertising industry, though regularly monitored, was self-regulating. The National Working Party on the Portrayal of Women in the Media had produced a Portrayal of Women in Advertising Kit aimed at tertiary-education students.

52. Under the programme to change the portrayal of Filipino women as brides or sex objects, the availability of more information had raised the awareness of migrant women, including Filipino women, of their status as equal marriage partners, and had reiterated anti-domestic violence messages. The programme also sought to enhance the integrity of Australia's migration programme.

53. There were no standardized data for the whole of Australia on how many women had filed suit against their partners for the crime of violence; the statistics for different states were not comparable owing to differences in state legislation. In Queensland, 11,442 applications for protection orders under domestic violence legislation had been filed in 1994-1995; in New South Wales, 22,128 applications under criminal legislation had been filed in 1995. Aboriginal and Torres Strait Islander women were entitled to the same protection under the law as other Australian women. However, in some cases they preferred

to adopt a community approach to resolving domestic violence issues rather than using the criminal justice system.

54. The 1994 law on child sex tourism made it an offence for Australian citizens or residents to engage in sexual conduct, while overseas, with persons under the age of 16 years, or to organize, promote or encourage child sex tours. One person had been convicted under that law and three other cases were currently proceeding. Such offences were punishable by imprisonment or fines or both. Encouraging conduct that would constitute an offence (such as by assisting a person to travel outside Australia to commit an offence) was also penalized under that law. The law applied to offences committed in any country and was intended as a backstopping measure to allow the prosecution of Australian citizens who escaped the criminal justice system of the country in which the offence was committed.

55. Each state and territory of Australia had its own legislation on prostitution. In the Australian Capital Territory, which had legalized prostitution, a ministerial advisory body had been established to ensure the effectiveness of the relevant legislation. That body considered issues relating to the sex industry, including health practices, workers' compensation, occupational health and safety, legal issues and a code of conduct. In New South Wales, prostitution had never been illegal, though brothels could be established only in certain areas. The Northern Territory's Prostitution Regulation Act 1992 was currently under review. Prostitution was illegal in Queensland. In South Australia, two bills were currently before the Parliament: one would keep prostitution illegal, while the other would provide for its regulation. In Victoria, prostitution was regulated and an advisory committee had been established to advise the state government on issues related to the prostitution industry. In Western Australia, the current policy regarding prostitution was under review. Child prostitution was illegal in all of the states and territories.

56. With respect to "mail-order brides", most Filipino women met their Australian partners through friends or family members instead of through introduction agencies. Although such agencies were legal, migration applicants were required to establish that they personally knew the sponsor they had married or intended to marry. With respect to serial sponsorship, legislation had been tightened and more information on the issue was being provided to migrants and prospective migrants. A new computer programme had been introduced to identify serial sponsors, but it was still too early for the system to provide evidence of the impact of the preventive measures taken.

57. One indicator of the effectiveness of government measures to prevent violence against migrant women was the number of applications under the domestic violence provision of migration regulations. Between February 1994 and July 1995, about 100 applications had been filed under the provision; between July 1995 and June 1996, 83 applications had been filed, out of a total of 19,379 eligible applicants. The Department of Immigration and Multicultural Affairs had produced videotapes and booklets on marriage and migration, which had been well received.

58. The Australian Customs Service had prepared a warning pamphlet alerting outgoing tourists to the commencement of the child sex tourism law, and signs to that effect had been placed in departure halls. Australia had also developed closer law enforcement cooperation between its agencies and their counterparts in selected countries to combat child sex tourism involving Australians. The state and territory police forces had agreed to cooperate fully with Commonwealth authorities in the investigation and prosecution of paedophile activities.

59. With respect to the use of the Internet to promote sex tourism, Commonwealth legislation adopted in 1994 made it an offence to knowingly or recklessly use a carrier-supplied telecommunications service in such a way as would be regarded as offensive. State and territory legislation on the subject had also been adopted in Victoria, the Northern Territory and Western Australia.

60. The report's reference, under article 7, to parliamentary behaviour which was denigrating to women reflected the concerns expressed by female parliamentarians in Tasmania in the context of an inquiry into possibilities for the reform of the Tasmanian Parliament. Those parliamentarians had felt that the conduct and behaviour in Parliament was intimidating to women and acted as a barrier to their participation. As a consequence of the inquiry, a Code of Ethical Conduct and a Code of Race Ethics had been developed to uphold the principles of respect for differences and fairness in political dealings. The inquiry had also found that media coverage of parliamentary activity often presented women parliamentarians in a sexist and denigrating manner. It had recommended the establishment of guidelines for the media, but no action had been taken in that regard.

61. Although political parties were not required to include women in their lists of candidates, the Commonwealth Electoral Act 1918 guaranteed the rights of both women and men to engage in lawful electoral activities, and the major political parties had instituted programmes to encourage women to become candidates.

62. Of the 80 Australian foreign service posts, 7 were currently headed by women. In the financial year 1996/97, there had been 10 women heads of posts.

63. With respect to the Committee's request for details on enrolment rates among Aboriginal women and girls, the figures were 31,749 in primary education in 1996; 14,009 in secondary education in 1996; and 4,352 in tertiary education in 1997.

The meeting rose at 12.55 p.m.

UNITED NATIONS

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Seventeenth session

SUMMARY RECORD OF THE 353rd MEETING

Held at Headquarters, New York,
on Friday, 18 July 1997, at 3 p.m.

Chairperson: Ms. KHAN
later: Ms. ABAKA
(Vice-Chairperson)
later: Ms. KHAN
(Chairperson)

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Third periodic report of Australia (continued)

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97-81729 (E)

The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Third periodic report of Australia (continued) (CEDAW/C/AUL/3)

1. At the invitation of the Chairperson, Ms. Nairn (Australia) took a place at the Committee table.

Article 10

2. Ms. NAIRN said that an evaluation of the Open Learning Initiative conducted by the University of Melbourne from March 1994 to January 1996, had found that the goals set for the Initiative had been substantially met in the three years following its establishment: access to tertiary education had been widened, within the established cost parameters; flexibility and, to a limited extent, innovation had been increased within the tertiary education sector; and the Initiative had built on the experience, expertise, course offerings and infrastructure of distance education and the pilot TV Open Learning project in the vocational education and training sector. While Commonwealth funding for open learning had ceased in 1996, the Commonwealth had a contractual agreement with the Open Learning Agency of Australia until 2003.

3. Since 1996, the Open Learning Agency had broadened its activities to include a more commercial focus, with an increasing emphasis on quality of product and service. While the Agency offered predominantly undergraduate subjects, a growing number of courses at institutions of technical and further education and modules were available, and graduate and bridging courses were provided. Since 1993, women had comprised well over half of the Agency's students. In 1996, women had accounted for some 55 per cent of the more than 9,200 students.

4. In 1991, it had been estimated that approximately 1 million Australian adults had literacy problems. That number included approximately 300,000 adult immigrants with little or no English. A gender breakdown for those numbers was not available. A national survey of adult literacy had been undertaken by the Australian Bureau of Statistics and would be released in September 1997.

5. The Government had a role in improving participation and success rates of groups who were under-represented in higher education. It encouraged universities to develop appropriate strategies for those groups and provided seed funding for such initiatives under its Higher Education Equity Programme. Engineering and some branches of science and technology continued to be problem areas for women. For example, in 1996, the participation rate for women in engineering was still only 13.4 per cent, as compared with 10.7 per cent in 1991. The participation of women in non-traditional courses was often influenced by role models, and there was a need to encourage universities to be proactive in recruiting women to key academic positions.

6. Between 1991 and 1995, higher education enrolments by indigenous students had increased by 41.6 per cent. Indigenous student participation in education was currently broadly equivalent to their share of the population aged between 17 and 64. In recent years, the proportion of indigenous female students had increased. In 1995, females had made up 62.2 per cent of higher education enrolments by indigenous students. A number of the Australian National Training Authority's national projects and research projects had investigated the particular needs of indigenous communities and women and had promoted the best practice models to help build a more responsive system for indigenous clients.

7. Under Australia's federal system of government, school education at the primary and secondary levels was the responsibility of the states and territories. There had not been time to find out the action that each state and territory department of education and curriculum advisory body had taken with regard to textbooks.

Article 11

8. The report entitled Managing the work injury of women from non-English-speaking backgrounds had been widely disseminated. However, no evaluation had been made of its effectiveness in assisting women from non-English-speaking backgrounds to return to the workforce.

9. The Government's economic strategy sought to achieve the maximum sustainable rate of reduction in unemployment levels by increasing the pace of economic growth while maintaining low inflation. Its microeconomic policies were designed to improve the supply potential of the economy, improve the operation of markets and enhance worker skill levels. It was taking measures to ensure that appropriate adjustment programmes were implemented to assist workers through the transitional phases of structural reforms.

10. Gender-based occupational segregation was being addressed by the Government through policies to encourage women in non-traditional areas in the higher education and vocational education and training sectors. Since 1990, the Government had identified women in non-traditional areas as one of six equity target groups in Australia's higher education sector. A number of strategies were also in place to encourage women to train in non-traditional areas in the vocational education and training sector. With greater numbers of women training in non-traditional areas, it was expected that their participation in the workforce would widen and diversify.

11. The Workplace Relations Act, 1996, contained provisions that specifically addressed the issue of equal pay for work of equal value without discrimination based on sex. The Equal Pay and Workplace Relations Section of the Commonwealth Department of Industrial Relations was currently preparing Fair Pay: A Workplace Guide, which had been developed to inform employers of their statutory obligations with regard to pay-discrimination issues and to assist employers with compliance. The Guide described how pay discrimination could occur and covered a range of approaches for effectively addressing pay anomalies or disputes. It outlined relevant legislation on equal remuneration and provided information on non-discriminatory job evaluation and performance pay systems.

12. The current average period of unemployment for women seeking full-time employment was 50.3 weeks, as compared with 62.4 weeks for men. The current average period of unemployment for women seeking part-time employment was 43.9 weeks, as compared with 58.9 weeks for men.

13. The Women in Mining Towns Survey 1992-1993 had been carried out through the Rural Development Centre of the University of New England in Armidale, New South Wales. The Rural Women's Unit in the Department of Primary Industries and Energy was considering the issues raised in the survey, especially those relating to family violence.

14. In New South Wales, the Industrial Relations Act, 1996, provided a single set of provisions governing parental leave, incorporating maternity, paternity and adoption leave. The entitlement to paternal leave extended to all employees, including part-time employees but did not apply to seasonal or casual employees. The provision in the previous Industrial Relations Act enabling the employer to send the employee on maternity leave within six weeks of the date of confinement had been removed, since it had been considered that that provision could have been a form of indirect discrimination against women employees.

15. In the federal and state public sectors, the provision of paid maternity leave varied according to the sector: federal, 12 weeks; Australian Capital Territory, 12 weeks; Northern Territory, 12 weeks; New South Wales, 9 weeks; Queensland, 6 weeks; Victoria, 6 weeks; South Australia, none; Western Australia, none; and Tasmania, none, although public servants could use accrued sick leave for that purpose. In the private sector, paid maternity leave was generally determined at the enterprise level and, while not yet widely available, was being provided by an increasing number of organizations. Of the more than 2,500 organizations that had submitted affirmative action progress reports to the Affirmative Action Agency in 1995, 17 per cent reported that they provided paid maternity leave to their employees.

16. The Workplace Relations Act, 1996, contained extensive protection aimed at preventing and eliminating discrimination and promoting fair agreement-making and workplace relations. Recently, the Equal Pay and Workplace Relations Section of the Commonwealth Department of Industrial Relations had produced a number of publications to help women and their employers understand their employment rights and obligations. A series of four leaflets, Women and Workplace Agreements, had been published with a view to helping women employees understand the new workplace agreement-making arrangements under the Workplace Relations Act, 1996.

17. Since 1994, the Government had funded the establishment and operation of four working women's centres in New South Wales, Queensland, Northern Territory and Tasmania, and funding had been provided to an established South Australian centre for activities that included assistance to indigenous women. Working women's centres promoted equity in the workplace by providing information and assistance to women, including women from indigenous backgrounds. The centres had three broad objectives: to increase women's knowledge of the conditions, legal requirements and government policies relating to the workplace; to ensure that all women had access to working women's centres and their activities and

information; and to enhance existing services provided by employee, employer and other organization and ensure that there was no duplication of functions.

18. Australia had not ratified International Labour Organization (ILO) Convention 103 and ratification was currently not being pursued. While the provision of unpaid parental leave under the Workplace Relations Act, 1996, and the introduction of the maternity allowance had removed one impediment to compliance, several impediments remained. Since the Act had been in force only since 31 December 1996, it was impossible to determine the effects of the legislation. In 1995, consultation with state and territory governments had been carried out through the Standing Committee on Treaties with a view to removing the reservation. During the consultation process, state and territory governments had raised significant concerns, particularly regarding the potential imposition of a requirement or expectation that they would provide paid maternity leave at the state level. In the light of those concerns, Australia was currently not in a position to remove its reservation.

Article 12

19. Assisted reproduction was well established in Australia, and most techniques in common use would not be considered experimental. All units had protocols to ensure, as far as possible, that consent to be involved in procedures was fully informed. All units were subject to ethics-committee approval of procedures. Most units had well-developed support groups for individuals involved in the programmes. Nevertheless, many questioned whether two people who were desperate to conceive a child were capable of fully informed consent.

20. While the short-term side effects of hormones used in fertility treatments were well known, it would be many years before the long-term effects of assisted conception could be documented. In 1995, the National Health and Medical Research Council had published a report recommending the institution of a system of reporting, at the national level, of adverse effects of treatment, a series of specific research studies to examine the long-term effects on women of assisted conception, including investigation of any association with increased incidence of breast, ovarian and other cancers and a study to investigate long-term effects on the physical and psychological health of women, their partners and their families. The report also made recommendations concerning consent procedures. The Centre for the Study of Mother's and Children's Health was currently conducting a multi-centre study of cancer in women after fertility and in vitro fertilization and had also begun a study on the incidence of cancer in children born after in vitro fertilization. In vitro fertilization and other assisted reproductive technologies were currently being reviewed by the Australian Health Technology Advisory Committee. The review would examine the current status of the technology, including access, effectiveness, safety, health outcomes, cost-effectiveness and the impact on the health system.

21. The incidence of infertility in Australia was not known. The National Women's Health Policy of 1989 estimated that 10 to 15 per cent of heterosexual couples experienced some problem with fertility owing to difficulties in one or both partners. In 1994, there were 2,715 births after assisted conception, which represented 1 per cent of all births. Depending on the form of assisted

conception (in vitro fertilization or gamete intra-Fallopian transfer), live-born pregnancy rates varied between 10 and 20 per cent of treatment cycles. There was no federal legislation on assisted reproductive technology; it was the responsibility of the state and territory governments to legislate in that area. Contrary to suggestions in some media reports, lesbians wishing to conceive using donor sperm would be unlikely to require in vitro fertilization. The issue of access and eligibility for assisted reproductive technology raised difficult questions of law and policy and required further consideration. The Federal Government was currently considering its position on this issue.

22. Medicare benefits were payable for the assisted reproductive services listed in the Medicare Benefits Schedule (except when rendered in conjunction with surrogacy arrangements), provided that such services were "clinically relevant".

23. The health of ageing women was one of the seven priority health issues identified in the National Women's Health Policy. The Home and Community Care Programme was a joint federal state programme that funded community and government organizations to provide community care to frail aged people, people with disabilities, and their care-providers, living at home. In the financial year 1996/97, the Programme had provided some $743 million, 60 per cent of which was federal expenditure. The Programme helped around 220,000 people at any one time, 69 per cent of whom were female. The median age of care recipients was 77.

24. Access to abortion was a matter for state and territory governments and was covered by criminal law. In South Australia and Northern Territory there was a statutory clarification of the provisions dealing with abortion; in other states and territories, access was based on common law. In general, women had access to abortion during the first trimester of pregnancy when a medical practitioner was satisfied that continuation of the pregnancy would result in physical or mental harm to the woman.

25. Items relating to the lawful termination of a pregnancy had been on the Federal Government's Medicare Benefit Schedule since 1975. Services for patients in public hospitals were provided free of charge at the point of delivery. In private facilities, part of the cost of a termination of pregnancy under 12 weeks could be recovered through Medicare and private health insurance schemes. In August 1996, the Model Criminal Code Officers Committee, which had been established by the Standing Committee of Attorneys-General, had released chapter five of the Model Criminal Code on Non-fatal Offences against the Person, which included a recommended provision dealing with abortion. The recommendation was not final and did not represent the views of the Standing Committee of Attorneys-General or of any level of the Australian Government.

Article 13

26. The number of women recipients of Partner Allowance was 193,254 as at 30 June 1995 and 63,842 as at 30 June 1996. Since June 1995, the number of Partner Allowance recipients had decreased as a result of changes to payment arrangements for couples introduced in July 1995, at which time a large number of Partner Allowance recipients had transferred to Parenting Allowance. In

order to be eligible for a Partner Allowance, a person must either be legally married to another person and not living separately and apart from that person on a permanent or indefinite basis; or, having reached the age of consent, have a "marriage-like" relationship with a person of the opposite sex, provided that that person was not a brother, sister, ancestor or descendant. In forming an opinion about the relationship between two people, all the circumstances of the relationship were considered, particularly financial aspects, including any significant pooling of resources or joint ownership of assets; the nature of the household, including any joint responsibility for the care of children, and the living arrangements of the people; the social aspects of the relationship; any sexual relationship between people; and the nature of the people's commitment to each other, including the length of the relationship.

Article 14

27. The Commonwealth Department of Immigration and Multicultural Affairs had instituted a Community Grants Programme designed to assist migrants and refugees, particularly those newly arrived and from non-English speaking backgrounds, to settle in Australia. In the financial year 1995/96, nearly $A25 million had been spent under that Programme to address the needs of migrant women in rural and remote communities. Refugee women in difficult situations were being targeted as priority recipients for assistance in 1997/98. However, no information was available regarding the proportion such grants constituted in the overall funding going to rural women.

28. The Department of Primary Industries and Energy also funded projects directed at women through the Rural Access Programme. In 1995/96, 50 per cent of the annual budget had been allocated to projects targeting women; two projects had targeted women from non-English speaking backgrounds. In 1996/97, that proportion had been reduced to 33 per cent, and a total of $A177,978 had been allocated to women's projects, most of which had funded projects targeting women from non-English speaking backgrounds. Since women and people from non-English speaking backgrounds were not well represented in sustainable agriculture and natural resource management activities, the Government was considering a range of measures to remedy that situation.

29. Access to services for migrant women varied from state to state because of factors such as general population distribution and distance from major population centres. However, those factors influenced access to services for all sectors of the population living in isolated or remote regions, not just migrant women. The Translating and Interpreting Service of the Commonwealth Department of Immigration and Multicultural Affairs, which provided free telephone interpreting services, had been developed to assist migrant women in rural and remote areas obtain access to services.

Article 15

30. Summarizing the findings of the Australian Law Reform Commission in its report entitled "Equality before the Law", she said that the first part of the report, released in July 1994, had recommended strengthening the Sex Discrimination Act, and had documented women's lack of equal access to justice because of gender, racial and cultural bias and the failure of the legal system

to respond to women's experiences. The report had recommended a number of specific measures to deal with the situation, and state and territory attorneys-general and federal ministers with relevant responsibilities had been asked for their comments on them. However, no decision had been taken regarding a further response because the recommendations regarding amendments to the Sex Discrimination Act had been addressed to some extent in a 1995 amendment to the Act, and because recommendations regarding issues of access to justice had also been addressed in a 1995 Government statement issued in response to the report of the Access to Justice Advisory Committee.

31. The second part of the report, released in December 1994, had recommended enactment of an Equality Act, applicable to men and women and to all laws and levels of government, as the first step in a process leading to the incorporation of equality provisions in the Australian Constitution. It had also contained a number of recommendations on such issues as who should have standing to appear before courts and tribunals, the establishment of a women's equality advocacy fund and the inclusion of gender perspectives in law school curricula. Again, no decision had been taken regarding a further response.

32. Referring to the substantially reduced level of government assistance to entities serving the needs of women, such as telephone help-lines and compensation payments to the victims of violence, she said that the Federal Government did not provide funding for telephone help-lines for victims of domestic violence. Each state and territory had a telephone crisis line for victims of domestic violence which could be called free of charge from anywhere in the state or territory.

Article 16

33. Significant results of the International Year of the Family included the introduction of a Home Childcare Allowance, a Childcare Cash Rebate, a Parenting Allowance and a Maternity Allowance in 1996. The year helped to raise the profile of family issues across the range of activities at all levels of government in Australia.

34. In 1988, the Federal Government had instituted a Child Support Scheme to ensure that non-custodial parents shared the cost of supporting their children according to their capacity to pay and that adequate support was available to all children not living with both parents, to alleviate single-parent poverty, and to limit federal expenditure to the minimum necessary to meet those needs. The Child Support Agency had been set up at the same time to assess, collect and enforce court-ordered child maintenance. The Government was currently reviewing the Child Support Scheme and would ensure that any changes made to it would uphold its principles and protect the interests of children.

35. The law governing the adoption of children in Tasmania was gender-neutral. It allowed a single person to adopt only in exceptional circumstances, so as to protect the rights and interests of the child, which presumably were best served by a child having two parents rather than one. In practice, however, children were adopted by single people in Tasmania, mostly by women. The exceptional circumstances, which were not specified in the legislation, related to the

welfare of the particular child. No information was available on adoption procedures in Australia as a whole.

36. She noted that, contrary to an impression given in the third periodic report, the responsibility for resolving property disputes between de facto spouses had not been transferred to the federal level but had remained with the states and territories, where it was dealt with either by legislation or under the common law. The Attorney-General was currently considering a proposal to transfer that power to the federal level but was reluctant to proceed until the laws governing property disputes of married couples had been settled.

Post-Beijing activities

37. The Office of the Status of Women had been monitoring the implementation of the Platform for Action and had been assisting government departments responsible for various policy areas. A report on that process was available to state governments and non-governmental organizations. Moreover, having initiated the proposal on a conference of commitments prior to the Beijing Conference, Australia planned to absorb its own commitments in that regard within existing portfolio budgets. Those commitments included holding forums on domestic and school violence, providing health services to women, and extending aid to women in Pacific island nations, the Australian Council of Businesswomen and centres for working women.

General comments

38. Ms. CARTWRIGHT acknowledged Australia's leadership in women's issues and in supporting the work of the Committee, but noted a significant decline in the quality of the present periodic report compared with Australia's previous reports. Preparation guidelines established by the Committee had not been followed, and she urged the delegation to maintain closer consultation with the Secretariat in preparing its next periodic report. She expressed disappointment regarding the Government's apparent misunderstanding about the sequence of reports due and the consequent delay in their submission, as well as regarding its continued maintenance of two reservations to the Convention.

39. Ms. BERNARD also expressed concern regarding the Government's reservations to the Convention and the decline in quality of the third periodic report. The statistics on violence against women were cause for alarm, and she urged the Government to adopt more effective measures to combat that phenomenon.

40. Ms. CORTI said that, given Australia's leadership role in championing the cause of women's rights, she was alarmed at the budgetary constraints to which the Australian representative had alluded at the preceding meeting and wished to know what impact they had on the New National Agenda, the national health strategy, family planning policy, the Affirmative Action Agency and the Half Way to Equal project. She was concerned that a dilution of Australia's policy towards women would prove detrimental to women both in Australia and in other countries, particularly those where the political will to improve the status of women was not as strong as in Australia.

41. Ms. ABAKA said that she had been disappointed to learn that the Convention had not been translated into the local languages. The Committee expected developing countries to translate the Convention into local languages and expected no less from Australia. The Beijing Platform for Action also should be translated for the benefit of all inhabitants of a country.

42. Ms. JAVATE DE DIOS expressed concern that developments with respect to politics and economic policy in Australia might have wide-ranging negative effects on the lives of women in that country, in particular, disadvantaged and Aboriginal women. Australia appeared virtually to have abolished many of its milestone initiatives on behalf of women, including steps taken to mainstream gender perspectives via budgetary allocations, an area in which the State party was regarded as a role model by countries in the Asia-Pacific region. She wished to know why the Government deemed such initiatives a failure.

43. Ms. LIN Shangzhen said that the State party should be commended for having adopted formal legislation to introduce affirmative action in the fields of employment and education. While it was encouraging that most major political parties sought out potential women candidates and that women were well represented in Parliament and other decision-making bodies as a result of the most recent federal elections, she asked whether the affirmative action legislation would be amended to incorporate a political element, so that a change of administration would not risk a backlash against women. She also wondered whether affirmative action measures could be expanded specifically to target Aboriginal and minority women, with a view to ensuring their protection in all areas of their lives, in addition to matters relating to health. Lastly, she wished to know how the national machinery for women's issues functioned and what the working relations were between the national machinery and similar state and territory machinery.

Article 5

44. Ms. OUEDRAOGO said that the State party should be commended for having adopted a programme of action on women's issues. Noting that the legislation which had been adopted to reduce violence against women had not had the desired results, she wished to know what the outlook was for women in that regard. The statement on page 23 of the report that women "may be at risk from female genital mutilation practices" was vague; the State party must determine whether women were in fact subject to the practice and, as a matter of priority, should establish an education programme to convince women of the dangers of the practice, particularly since women subjected to it were doubly at risk of contracting AIDS.

45. Ms. CARTWRIGHT said that in its next report the State party should provide a more in-depth evaluation of the effectiveness of its policies to combat domestic violence; such information would provide useful guidance for other countries as well. In view of the disturbing statistics reported by the Australian delegation relating to the high incidence of domestic violence and death rates among Aboriginal and Torres Strait Islander women, the next report should indicate the impact of policies to protect indigenous women and whether domestic violence and homicides in that group had been reduced.

46. She wished to know whether it was true that only $210,000 had been allocated for the prevention of domestic violence, a figure which suggested that such prevention was a low priority. She also enquired whether the reduction in funding for legal aid had had a serious impact on women's access to the courts in domestic violence cases. She wondered whether programmes designed to sensitize the police, health professionals and the judiciary focused on matters relating to women, in particular, domestic and family violence. It was to be hoped that the programme introduced by the Australian Institute of Judicial Administration in the state of Victoria would be extended elsewhere in the country.

47. Ms. GONZALEZ said that, in view of the seriousness of the problem of family violence, she wished to know whether the National Domestic Violence Summit to be held later in the year planned to call for a broad educational campaign to combat family violence that would be directed at the population as a whole, and not only at the judiciary. In its next report, the State party should provide information concerning the penalties applicable to perpetrators of violence against women, including information on their differentiation according to the victim, the gravity of the attack, the victim's age and the victim's relationship to the perpetrator.

Article 6

48. Ms. GONZALEZ said that she would appreciate information concerning the prosecution, under the Crimes (Child Sex Tourism) Amendment Act, 1994, of paedophiles who engaged in sexual conduct with minors while overseas, as well as measures taken to control prostitution, sexual exploitation, trafficking in women and the sale of pornographic literature relating to children.

49. Ms. JAVATE DE DIOS, noting the disturbing data revealed as a result of the monitoring of violence against women, wished to know what impact programmes to combat such violence had had on its prevention. She enquired whether the Government had programmes in place to educate men on issues relating to violence against women. Lastly, she wondered how, in the absence of any monitoring or enforcement mechanisms by the Government, the self-regulatory codes introduced by the broadcasting industry to ensure the positive portrayal of women in the media would be enforced.

Article 6

50. Ms. BUSTELO GARCÍA DEL REAL said that the Australian experience was of special interest to the Committee as legislation on prostitution varied from one state to another. Analytical and comparative information on the different legislations and their impact should be provided in the next report. It would be useful to learn about the social results of the legislation rather than about the legislation itself. For example, it would be interesting to have comparative information on the increase/decrease of prostitution, the occupational health and safety of prostitutes, the incidence of trafficking and violence, and the eradication of child prostitution.

51. Ms. JAVATE DE DIOS referred to a 1995 joint fact-finding mission on the sexual exploitation of Philippine women by Australian men which had made

recommendations with regard to sex tourism organized by syndicates operating in the Philippines. She requested that the next Australian report include information on measures taken to follow up the recommendations.

Article 7

52. Ms. HARTONO wished to know the numbers and percentages of indigenous women in different sectors of the workforce, especially in decision-making positions. She referred, in particular, to business, politics, the legal profession, education, the Civil Service, and the Ministry of Foreign Affairs.

53. Ms. BERNARD requested information on the status of women at all levels of the judiciary; she wished to know in particular whether it had improved since the last report and whether steps were being taken to encourage women to participate in that sector.

54. Ms. FERRER said that she would welcome details of the new strategy to encourage women to participate in public life and further information on the discussion paper on women and government in Australia and New Zealand which analysed why women were not promoted to decision-making positions and proposed a strategy for women to influence the political agenda. She asked whether indigenous women had established any women's association to ensure their involvement in public life.

Article 11

55. Ms. CARTWRIGHT suggested that the next report should contain a full evaluation of the impact of the workplace Relations Act on women, including information as to whether the incidence of part-time work had increased, whether employment benefits had improved or deteriorated, and whether more women were entitled to paid maternity leave.

56. Ms. BARE expressed regret that Australia had been absent from the 1996 meeting of Commonwealth ministers responsible for women's affairs, as those present had hoped to benefit from the guidelines and systems developed by Australia in connection with the Women's Budget Statement. She hoped that Australia would resume its leadership role in advancing the status of women worldwide.

57. Ms. Abaka took the Chair.

Article 12

58. The CHAIRPERSON said that funding should be made available to provide interpretation facilities for non-English-speaking persons who required health care. She asked whether the district courts provided interpretation facilities.

59. Ms. Khan resumed the Chair.

60. Ms. SHALEV, noting that Australia had submitted a lengthy written report on the Beijing Platform for Action and a much more scanty written report on the Convention, pointed out that States parties had a legal obligation to submit

reports under article 18 of the Convention whereas there was no legal obligation requiring Governments to prepare reports on the Beijing Platform for Action.

61. With regard to health services, the next report should contain information on public funding at the federal and state levels and should include an analysis of how the decrease in federal funding for such services had affected women's health services and, in particular, family planning. She commended the Government's efforts to provide health care for indigenous women, but noted that no information had been provided on the health of non-English-speaking women. Such information should be included in the next report together with health indicators for ageing women, women from ethnic minorities, and migrant and non-English-speaking women. She expressed concern that the outlawing of a new, less intrusive procedure for termination of pregnancy constituted a restriction on women's rights to reproductive health. Lastly, she said that she would appreciate the inclusion in the next report of information on the outcome of research studies on reproductive technology.

62. Ms. ACAR observed that Australia was a leader in women's studies and recommended that the Government should support international academic cooperation in that field. She asked to what extent women's studies programmes engaged in research, study and teaching on the history, conditions and problems of the background cultures of immigrant women and whether funding was provided for academic cooperation with the countries of origin of such women.

Article 14

63. Ms. HARTONO, noting that the Government was proposing to distribute to individuals land which was owned on a communal basis by indigenous people, asked what use would be made of that land. She wondered whether, in future, women would be able to own land and to run agribusinesses, which would provide them with a chance to advance and become economically independent.

64. Ms. CARTWRIGHT asked whether the Government intended to ensure that women were guaranteed an equitable share in the redistribution of land. While the Government's desire to respect the autonomy of the indigenous people was commendable, she feared that women would be gravely disadvantaged unless there was a specific policy in that regard.

Article 15

65. Ms AOUIJ said that women needed to be apprised of the content of legislation before they could avail themselves of the protection or benefits such legislation provided. Legal education for poor and indigenous women was therefore especially necessary to ensure equality before the law. The next report should contain information on the outcome of measures to educate women and should indicate whether more women were turning to the courts for protection. It would also be of interest to learn whether steps were being taken to sensitize judges in the area of women's rights.

66. Ms. NAIRN (Australia) said that many of the Committee's questions would be better answered in the next report. However, with regard to domestic violence, she wished to clarify that only 7 per cent of Australian women had experienced

violence in the previous 12 months and the problem was not endemic. It was hoped that the women's safety survey would provide a good basis for action. She also informed the Committee that the national machinery for the advancement of women existed at both the federal and the state level.

67. The CHAIRPERSON observed that the principle of equality of men and women was not embodied in the Constitution and that, although Australia was a developed country, discrimination continued to exist. The Committee welcomed the specific, gender-sensitive actions that the Government was proposing to take to counter discrimination, but was concerned about the possible effects of funding cuts on programmes dealing with women's issues. Consultation, research and media campaigns had done much to counter stereotyping and to promote a positive image of women. Pioneering work had been performed with the introduction of the Women's Budget Statement and the establishment of a data base on women's employment. Nevertheless, the Committee was concerned that recently instituted reforms could nullify the impact of many progressive initiatives. The Government needed to introduce a long-term, coordinated approach to gender policy aimed at implementing the principles of the Convention.

68. The Government's actions with regard to refugee women and women at risk were to be commended, as was the important part which Australia had played at the Beijing Conference. She expressed the Committee's belief that Australia had a vital leadership role to play in the field of women's rights throughout the Asia-Pacific region. The experts welcomed the Government's decision to consider withdrawing one of its reservations to the Convention and agreed that it would be appropriate for Australia to combine its fourth and fifth reports.

The meeting rose at 6.10 p.m.

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Seventeenth session

SUMMARY RECORD OF THE 354th MEETING

Held at Headquarters, New York,
on Monday, 21 July 1997, at 10 a.m.

Chairperson: Ms. ABAKA
(Vice-Chairperson)

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This record is subject to correction.

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In the absence of Ms. Khan, Ms. Abaka, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined initial and second periodic reports of Israel (continued) (CEDAW/C/ISR/1-2)

1. At the invitation of the Chairperson, Ms. Arad and Ms. Halperin-Kaddari (Israel) took places at the Committee table.

2. Ms. ARAD (Israel) said that, in addition to reading out further information on the issues of violence against women, education, health and employment, her delegation would provide, in writing, separate replies to each of the questions posed by the Committee members. The discussion would be limited to topics pertaining to the Convention.

3. Israel was a Jewish nation and a democratic State that guaranteed equality to all of its citizens, regardless of their religion, race or sex. All citizens and residents of Israel - Jews and non-Jews, women and men - were equal before the law and received the same protection under the law. Each social and ethnic community in Israel had the opportunity, within legal bounds, to express its uniqueness, particularly with regard to religion.

4. Israel's legal system had been developed throughout its 50-year existence, and its civil code had acquired a unique Israeli character. The judiciary, which enjoyed full independence, was headed by the Supreme Court, whose decisions were binding on lower courts. The only matters governed by religious law were those pertaining to personal status, which were generally under the jurisdiction of the religious tribunals of the various religious communities. Under some circumstances, the rulings of those tribunals were subject to Supreme Court review. Israel considered that the role of religious tribunals in governing personal status was essential to its social fabric.

5. The Knesset, Israel's parliament, drafted regular laws as well as Basic Laws. The country was moving towards the completion of the Basic Laws, which were regarded as a de facto constitution. The Supreme Court had ruled that the Basic Laws were inherently superior to regular legislation and that regular legislation found to contradict Basic Laws could be invalidated. The Basic Law of Human Dignity and Liberty included a provision to the effect that its predominance over regular laws was not retroactive, but the Supreme Court had ruled that all past and future legislation must be interpreted in accordance with the spirit of the Basic Laws.

6. Even before the Basic Laws had been enacted, tenets such as freedom of speech, equality and non-discrimination had formed the foundation for government policy and judicial decisions. Thus, even though equality and

non-discrimination were not explicitly mentioned in the Basic Law of Human Dignity and Liberty, recent Supreme Court decisions had held that equality was a basic component of human dignity. Moreover, the current process of enacting Basic Laws in constitutional form would entrench equality in explicit legal terms. Furthermore, equality and non-discrimination were well established in a number of laws, such as those on women's equal rights, equal employment opportunities and equal pay. Israel's wide-ranging legislation on women's rights, and the practical implementation thereof, were consistent with the provisions of the Convention, to which Israel attached great importance.

7. Government ministries were currently reviewing the budgetary and other aspects of the establishment and operation of the proposed national authority for the advancement of gender equality. The Knesset Committee for the Advancement of the Status of Women, which transcended political barriers, was a standing committee that interacted with non-governmental organizations. The number of women on that Committee reflected the overall number of women in the Knesset. Their parliamentary activity was party-related and not dictated by the Government.

8. Cooperation between Jewish and Arab non-governmental organizations focused mainly on the promotion of peace. Some government-financed activities, such as the operation of help centres and shelters for battered women, involved cooperation between Arab and Jewish women's organizations. Of the 89 Women's Councils, which were described in section 3.5 of the report under article 2, two were mixed Jewish-Arab councils.

9. Ms. HALPERIN-KADDARI (Israel) said that the questions posed by the Committee members seemed to presume that Israel's references to the "cultural" roots of certain misogynistic practices implied that it accepted those practices, whereas, in fact, it abhorred them. The police force, in all its courses, training sessions and contacts with field units, paid special attention to Arab women's increased risk of falling victim to "honour killings" and gender-based violence. Law enforcement and treatment authorities sought to move girls and women in danger beyond the reach of their family members, while respecting their right to privacy. The welfare system had developed an "underground railroad" to transport girls and women to safety. The police acted on the advice of social workers in cases involving minors.

10. With respect to "honour killing", which was a clear example of gender-based violence in Arab and Bedouin society, an interministerial committee had produced a report detailing the special needs that required attention within the Arab population. They included the need to confront the problem while bearing in mind the social mores surrounding it and the need for more cooperation between the police and welfare authorities. The interministerial committee had recommended that mandatory courses on domestic violence should be included in the training of social workers, jurists, health professionals, education professionals and police officers. It had also recommended follow-up on the situation of Arab women after they left shelters for battered women. The Supreme Court, for its part, had repeatedly held that violence against a female relative for the purpose of preserving family honour could not be justified by the victim's failure to obey a moral or cultural norm or by the existence of

traditional social mores that permitted inhuman violence. In a recent case, the Court had handed down a sentence of 18 years' imprisonment.

11. Restraining orders could be presented only by a court clerk or a designee of the court, and in no circumstances by a family member or party to the proceedings.

12. Four Arab women, two of whom were investigators, currently served on the police force. Police procedures, which were the same in both Arab and Jewish communities, provided that victims of sexual assault should be questioned by a female investigator with expertise in handling such cases; in the absence of a female investigator, questioning was conducted by a male investigator with similar expertise. No police officer could handle a case of domestic violence in which a friend or family member of the officer was involved, unless authorization was received from the supervising officer.

13. Since 1991, the overall budget of the Ministry of Employment and Social Welfare for combating gender-based violence against women had more than tripled in real terms, while the budget for the help centres had increased sevenfold in real terms. Those funds were used to provide assistance to all women in need, without distinction. One of the country's 12 shelters for battered women was located in an Arab village and took in only Arab women; it was the only shelter that was fully funded by the Government. All the other shelters accepted both Arab and Jewish women. Two out of approximately 20 halfway houses accommodated Arab women and girls following their stay in shelters, and the Youth Authority operated two hostels for Arab girls in distress. Arab women held 20 of the 100 posts for social workers who treated girls. In addition to a national hotline, which was financed entirely by the Government and was available to anyone in need, there were 11 local hotlines, two of which specifically served Arab communities.

14. With respect to measures to increase the severity of penalties for gender-based violent crimes, there were widely attended workshops for judges and attorneys on domestic violence, and a proposed amendment to the Penal Law would introduce mandatory minimum penalties for domestic violence offences. Workshops on domestic violence and gender issues would be expanded to reach more members of the judiciary.

15. The Be'er Sheva model of cooperation between the police and community services in dealing with cases of domestic violence was the preferred and prevalent concept in law-enforcement agencies, and was implemented in Arab as well as Jewish communities. Research was under way on the extent of gender-based violence against Arab women and on the special problems involved in implementing the 1991 Prevention of Domestic Violence Law among the Arab population. Police data on domestic violence were broken down by ethnic background and offence committed. In 1996, the police had received 13,600 complaints of spousal abuse from Jewish women and 1,367 from Arab women. In the same year, they had received 1,972 complaints of sexual offences from Jewish women and 117 from Arab women. Another source of data on violence against Arab women was the Union of Help Centres, which had reported that, in 1996, 4 per cent of all requests for assistance had come from a help centre that served only Arab women.

16. The Committee to investigate the issue of women in the police force, which was mentioned in section 12.6 of the report under article 7, was formulating recommendations on a 10-year programme to increase women's participation in the police force from 19 to 24 per cent, eliminating supposedly protective work conditions that impeded women's advancement in the force, increasing awareness among commanders and chiefs of the need for women's advancement and making more professional jobs available to women. Although efforts were being made to recruit Arab women to serve on the police force, restrictive social mores made such recruitment difficult.

17. Sixty per cent of the women in the Neve Tirza women's prison had been involved in the sex industry. A comprehensive programme had been developed to facilitate their reintegration into society. The programme included health care (primarily drug detoxification), psychological counselling (primarily for victims of sexual domestic violence) and vocational training. All inmates of Neve Tirza were allowed to keep their infant children with them in prison.

18. Ms. ARAD (Israel) said that the basic parameters for the contents and procedures of State education were determined by the Knesset. The Ministry of Education was responsible for implementing and monitoring State education. Within that Ministry, a unit headed by the Supervisor of Arab Education was responsible for maintaining the uniqueness of Arab education through instruction in the Arabic language, history, religion and culture. In addition, an Arab woman held the post of Special Director of Study Programmes for the Arab population.

19. Arabs made up 16.6 per cent of Israel's population; Arab children made up 18 per cent of the student population aged 5 to 18. The Ministry of Education's budget for kindergartens and pre-schools was the same for the Jewish and Arab populations, and the number of government-supported positions depended on the number of children in each locality. The criteria for government support of elementary schools were objective and based on the number of weekly hours for each grade. The index was computed separately for the Arab population based on the number of disadvantaged Arab students; that method resulted in an increase in the number of government-supported teaching positions. In 1995, 25 per cent of all new classrooms had been erected in the Arab-Israeli schools.

20. The Ministry of Education operated programmes in Arab communities and schools that were designed to increase the scientific and technological awareness of students and teachers. It provided funding to schools for the purchase of computers and the establishment of computer laboratories. Project mentors were assigned to each school to advise and assist in computerization programmes. Through advertisements in the Arab press, Arab students were also encouraged to participate in challenging courses in science and technology taught by university professors.

21. In addition, the Ministry of Education provided psychological assistance to schools with the number of psychologists in Arab schools having risen from 3 in 1992 to 43 in 1996. There were 10 pedagogical centres in Arab-Israeli communities which provided teachers with pedagogical services and educational materials. The "30 towns" project initiated in 1994 was intended to assist

certain localities with their educational programmes by providing advisory services to participating organizations.

22. On the subject of the high school drop-out rate among Arab girls, she said that the attendance rate for Arab girls aged 14 to 17 at schools under the supervision of the Ministry of Education had increased from 44 per cent in 1980 to 67.5 in 1994 and, since the early 1990s, had surpassed the rate for boys. The Ministry of Education had established a special committee to seek solutions to the drop-out problem among students from Arab schools. One such solution was the provision of childcare facilities, whose number in the Arab communities of Israel had increased from 21 in 1991 to 100 in 1995. Fifteen per cent of all education enforcement officers, whose duties were to minimize the number of drop-outs from elementary and secondary schools in Israel, worked in Arab schools.

23. On the subject of the elimination of stereotypes in Arab books, changes were gradually being introduced with regard to the status, role, abilities and occupations of women in order to reflect with greater sensitivity the social and cultural reality in which students and teachers alike operated. Many Arabic textbooks were translated from other languages and in that process stereotypes were replaced by messages which reflected the role and status of women in modern society. During the previous three years, Arab teachers and school principals had participated in workshops on the elimination of stereotypes.

24. On the question of study grants for Arabs, grants awarded by the Council for Higher Education were available to all students. There was a particularly high rate of participation by Arab students in the Big Brother/Sister Program, under which partial study grants were awarded. In addition, the Ministry of Education allocated grants to Arab students in specific areas of study. Also noteworthy was the steady increase in the participation of Arab women in higher education.

25. In the field of employment, the civil service did not distinguish between men and women, regardless of religion. Security checks were conducted for all potential employees, in accordance with the requirements of the security services. In recent years, however, the Civil Service Commission had taken action to increase the number of Arab employees in the civil service, including the allocation of special positions for them.

26. The principal reason for the large differences in salary between men and women was the average amount of time worked by men and women. Men devoted more than twice as much of their time to paid work as women, who devoted more of their time to unpaid work, such as housekeeping and childcare. A direct correlation existed between the number of children up to the age of 17 in a household and the amount of time that married women spent on unpaid work.

27. As for the measures being taken to promote economic and social development in poor Arab communities, the Ministry of Industry and Commerce had hired a Bedouin employee to seek employment opportunities for Bedouin residents in the southern regions of the country. The Authority for Small Businesses had opened five entrepreneurship assistance centres in Arab areas while the Ministry's Unit for Development Areas continued to develop the industrial infrastructure in Arab

population centres. Of particular note were the priority and exemption from eligibility criteria given to factories which offered work opportunities to unemployed women who had been downsized from textile factories.

28. On the subject of equality of access to health care, the Government's policy was to implement fully the principles set out in the National Health Insurance Act and a substantial effort was being made to reduce the disparities in the availability and quality of medical care, including those between Arab and Jewish populations. Delivery of services was based on the need and number of residents in a given geographical area. Since 1992, there had been continuing investment in services to the Arab population of Israel, both in terms of construction of new facilities and improved access to primary, secondary and preventive health care. In addition, a special infant mortality reduction project was being targeted primarily at the Arab and Bedouin populations.

29. Seventy family health clinics had been built throughout the country to deliver preventive health care services mainly to mothers and their children up to the age of 6. Arab nurses and physicians had been recruited to work in the facilities, which were supplemented by several mobile family health clinics serving the nomadic Bedouin tribes in the south and the Arab settlements in the north which were not recognized by the Ministry of the Interior.

30. The enactment of the National Health Insurance Law in January 1995 had vastly improved the ability of residents of areas administered by Arab local authorities to gain access to community medical care facilities. The improved access was a result of the competition among the various funds for members and the fact that most of the mainly Arab population which had formerly been uninsured were currently covered by the new Law.

31. There was an annual budget earmarked for public health services to Bedouin, including mobile clinics for the nomadic population, whose nomadic life made it very difficult to supply a full range of services. Since most Bedouin were married to very close relatives, the rate of congenital defects was very high, and that explained half their infant mortality rate. Ministry of Health data showed an improvement in the ability of Bedouin to gain access to health services. Between 1994 and 1996, a three-phase programme had been implemented to build family health clinics for the Arab population at a total cost of nearly $10 million, and there were plans for additional clinics. The construction of 13 family and dental health clinics in Druze and Circassian settlements had begun in 1996 through a special Ministry of Finance budget allocation. The Ministry of Health was endeavouring to deliver health care to people in villages and other settlements not recognized by the Ministry of the Interior.

32. No information was compiled on poverty by sex. The number of Arab households with an income below the poverty line had been 31 per cent in 1995, compared with 38.5 per cent in 1994.

33. Ms. ARAD (Israel) said that since personal status was governed in Israel by religious law, the prospects of Israel withdrawing its reservation to article 16 were slim. However, the civil system had succeeded in circumventing some of the

difficulties that the religious laws posed for women and there had been a gradual removal of issues from the jurisdiction of religious tribunals.

34. Since marriage and divorce were governed by religious law, mixed marriages could be conducted only insofar as they were permitted by the various religions. Mixed marriages conducted abroad were recognized by the State. Civil family courts had jurisdiction over mixed marriages; jurisdiction over the dissolution of such marriages was subject to the discretion of the Chief Justice of the Supreme Court, who determined which court - civil or religious - should handle specific cases.

35. Jurisdiction in family matters had been transferred from district and magistrate civil courts to the newly established family courts. The division of powers between the civil and religious systems had therefore remained intact. Women had access to family courts for matters in which they had previously had access to civil courts.

36. Under the 1971 Adoption Law, adoption was permitted only for married couples of the same religion as the adoptee. The situation was somewhat different in the case of transnational adoption.

37. Under article 181 of the Penal Law, non-consensual divorce was a criminal offence. Since marriage and divorce were governed by religious law, penal law could not invalidate a divorce which had taken effect in accordance with religious law, but it could designate such an act a criminal offence. The religious courts were required to report cases such as non-consensual divorce, polygamy and child marriages to the law enforcement agencies. The rate of indictments for polygamy had increased from 4 cases in 1995 to 13 in 1996.

38. The CHAIRPERSON commended the responses, but said that the format of the replies made it difficult for the Committee to determine whether all its questions had been addressed.

39. Ms. ARAD (Israel) said that her delegation had prepared a written statement of its replies in question and answer format, which was available to the Committee. It had not wanted to include a tedious repetition of the questions in its oral presentation, and had therefore extracted the most important information.

40. Ms. BUSTELO GARCÍA DEL REAL stressed the importance of Israel withdrawing its reservations to the Convention; it was difficult to implement the Convention fully without full equality in private and family relations. Moreover, Israel should clearly establish in its basic legislation the principle of equality and prohibition of discrimination.

41. Israel needed to intensify its efforts to reduce the differences between Jewish and non-Jewish women in Israel in terms of access to employment and also participation in such spheres as politics and higher education. In that connection, she was particularly concerned about the low percentage of women in political decision-making posts.

42. It would be worth establishing a unit of the public administration to promote and coordinate policies for equality; the Israeli Government also needed to approve an integral policy for the implementation of the Convention and the Beijing Platform for Action.

43. She hoped that full peace would soon be achieved, which would help all women in Israel.

44. Ms. AOUIJ said that there seemed to be a regression in the oral replies as compared with the report, since there had been no mention of the existence of Palestinian women. That attitude did not encourage dialogue or help defuse the situation, advance the peace process or reduce the many types of discrimination faced by Palestinian women and children in Israel and in the occupied territories, where the situation had sharply deteriorated. The purpose of submitting reports was to engage in frank and constructive dialogue with the Committee, but she did not feel that such a dialogue had been achieved.

45. Ms. JAVATE DE DIOS said that more detailed replies could have been provided to some questions, especially with regard to Arab, Palestinian and Bedouin women. There had been a frank recognition of the inadequacy of personnel trained to deal with the problem of violence against women; the efforts made to include more women in the police force, especially female Arab investigators to handle cases of violence against women, were commendable. Israel needed to pay more attention to specific forms of violence affecting the Arab population. She requested information on the impact of the laws on violence against women and the number of prosecutions made.

46. It was disturbing to learn that a high percentage of women prisoners were former prostitutes and that their children lived with them in prison; the Government of Israel should give those women more humane treatment so that they could rebuild their lives.

47. It was not clear whether sufficient resources were being allocated to finance educational efforts for the Arab population, and whether the drop-out prevention programmes were effective. More active efforts were needed to include Palestinian women in decision-making processes. Gender-disaggregated data was needed on poverty among Arab women so that their specific needs could be identified.

48. The peace talks would not be successful without the involvement of Israeli and Palestinian women; she hoped that active attempts would be made to involve them in decision-making for peace.

49. Ms. FERRER said that she was concerned about the situation of Palestinian women in the occupied areas, whose rights were being violated; a climate of peace and justice must be ensured to allow the full exercise of those rights and ensure the implementation of the Convention for all Palestinian women.

50. She hoped that the right to equality and non-discrimination would be included in the Basic Laws of the State, and that the legislation would explicitly provide for the right to equality of national minorities, including

the Palestinians, with respect for their history, religion, culture and identity.

51. Socio-economic development programmes must be formulated for the population living below the poverty line. Israel should consider the possibility of establishing a national mechanism to work for the advancement of women in Israel. Furthermore, it needed to draw up a programme of action for the implementation of the Beijing Platform for Action.

52. The CHAIRPERSON commended the representatives of Israel for their broad attempt to respond to some of the Committee's concerns. Information provided by non-governmental organizations had given the Committee a better understanding of the discrimination faced by Palestinian women. The Israeli Government had achieved much progress, especially in the spheres of education and health, but that progress had mainly benefited Jewish communities, and a very significant gap existed in all spheres in the lives of Arab women and children compared with the Jewish sector.

53. The Committee was concerned about Israel's reservation to article 16. It was also concerned that the new Basic Laws enacted in 1992 had not mentioned the right to equality as a basic right, and that when the principle of equality came into conflict with religious law, preference was always given to the latter.

54. The Government should create an environment that was conducive to the promotion of peace and the protection of the human rights of both men and women as an integral aspect of development. In particular, Israeli women must continue to use the discrimination that still existed as a unifying force in the struggle for equality for themselves and their children.

55. She noted that the delegation of Israel had just made available to the Committee written replies to the questions which had been asked. To proceed in that manner, however, would deny experts the opportunity to engage in dialogue with the delegation. She would therefore welcome the views of members on how best to proceed at the current stage.

56. Ms. CORTI said that, while the Committee welcomed innovations in its method of work that would enhance its efficiency, it would be impossible in the circumstances for experts to engage in a meaningful dialogue with the Israeli delegation, since they were unaware of the replies to the questions that had been raised.

57. Ms. ARAD expressed regret that the good intentions of the Israeli delegation had been misinterpreted. In its written replies, her delegation had not avoided the important issues which had been raised and was ready to respond to any subsidiary questions that might remain. The method which it had chosen to reply to the questions was perhaps a reflection of her delegation's lack of experience with the Committee's methods of work.

58. The CHAIRPERSON said that the Committee was not currently in a position to consider the written replies which had just been made available and would meet in a closed meeting to decide how best to proceed.

The meeting rose at 11.50 a.m.

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Seventeenth session

SUMMARY RECORD OF THE 355th MEETING

Held at Headquarters, New York,
on Tuesday, 22 July 1997, at 10 a.m.

Chairperson: Ms. KHAN

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Second and third periodic reports of Argentina

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97-81741 (E)

The meeting was called to order at 10.35 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second and third periodic reports of Argentina (CEDAW/C/ARG/2 and Add.1 and 2, and CEDAW/C/ARG/3)

1. At the invitation of the Chairperson, Ms. Regazzoli and Ms. Schiavoni (Argentina) took places at the Committee table.

2. Ms. REGAZZOLI (Argentina), introducing the second and third periodic reports of Argentina, said that Argentine society faced obstacles stemming from cultural, political, legal and economic conditions that tended to perpetuate the remaining inequalities between men and women. In seeking substantive change, her Government was working to include the gender perspective at the highest levels of development planning and social and economic policy. Although much remained to be done, it was committed to the observance of the Convention and the work of the Committee.

3. The statistics included in the addendum to the second periodic report, submitted in 1994, had been based on data gathered during the most recent census taken in 1991. The statistics provided in the third periodic report, which had been submitted in September 1996, had been updated since that census.

4. Ms. SCHIAVONI (Argentina) said that it must be borne in mind that Argentina had gone through profound political, institutional, economic, legal and administrative change in an effort to make up for the consequences of the years when democracy had been interrupted.

5. The reform of the Constitution begun in 1994 had led to important advances in the recognition of women's rights, since all the international human rights treaties to which Argentina was a party, including the Convention on the Elimination of All Forms of Discrimination against Women, had been given constitutional status.

6. In addition, the Constitution established affirmative-action measures to give women equal access to participation in political parties through elective office. The Quotas Act established a minimum of 30 per cent women on the lists of candidates for elective office. As a direct result, 80 women had participated as members of the Constituent Convention. In particular, the Constitution called for the establishment of a special social security scheme for women during pregnancy and lactation and for neglected children through their elementary school years.

7. Turning to national mechanisms for the advancement of women, she said that the restructuring of the National Women's Council in January 1996 had resulted in three national directorates in the areas of technical assistance; promotion and training; and communication, information and dissemination. The President

of the National Women's Council had ministerial rank and reported directly to the President of the Republic.

8. Another new mechanism was the Federal Women's Council established in December 1996. Its purpose was to promote women's employment, institutional strengthening through the establishment of provincial and municipal women's agencies, and communications strategies. A base document and pilot programme for a project to strengthen decentralization had been designed which would enhance the effectiveness and management capability of provincial women's agencies by providing them with technical assistance, training and basic infrastructure. The National Women's Council had also intensified its efforts in support of joint programmes with various ministries, for instance the Ministry of Labour and Social Security, the Ministry of Education and the Ministry of Justice. As to communications strategies, the Council distributed a bimonthly publication with information about legislation relevant to women's issues, international treaties, and mechanisms to combat discrimination.

Article 4

9. For the forthcoming national elections in October, the Attorney-General had instructed the agencies responsible for the elections to ensure that the Quotas Act was strictly observed in respect of lists of candidates. The National Women's Council had also distributed a brochure entitled "Guidelines for Compliance with the Quotas Act" throughout the country.

Article 5

10. As part of government efforts to eliminate stereotypes, the Federal Education Act, 1993, included provisions on eliminating discriminatory stereotypes from teaching materials. A seminar on women and how they were portrayed in the media had been held in March 1997 under United Nations auspices.

11. Legislation on protection against domestic violence had led to the establishment of centres for information and advice on physical and psychological abuse, to provide legal resources and prevention programmes. An information hotline had been in operation since 1990, as well. The National Women's Council, together with the United Nations Children's Fund, had also begun a national programme of training, technical assistance and sensitization on the subject of violence against women. Under the programme, a training manual on ways of preventing and dealing with violence against women in the family was being developed. The Council had also organized training courses for police officers and members of the court system in prevention of domestic violence and assistance to victims. According to Ministry of Justice data, the great majority of domestic violence complaints received in 1995 and 1996 had been filed by women. A bill for the establishment of a national programme on violence against women was halfway to approval in Parliament.

Article 7

12. Argentina had both federal and provincial legal codes. In the federal judiciary, 20.03 per cent of the total number of judges, prosecutors and

attorneys in all types of courts were women. At the provincial level, women's participation in the 24 jurisdictions amounted to about 33 per cent.

13. Women's participation in the provincial legislatures was substantially higher in provinces which had passed quota laws in 1993 and 1994, prior to the most recent elections; the rates for those provinces ranged from 21 per cent in Mendoza to 34 per cent in Chaco. Women's representation in the legislatures of provinces which had passed such laws in 1995 was expected to increase sharply following the next elections. Eighteen of the 24 provinces had adopted quota laws.

Article 10

14. In 1996, female enrolment at the initial and multi-track secondary levels had been 51 per cent and 52 per cent, respectively. Women had accounted for 54.4 per cent of new enrolments in the national university system. However, the percentage of women in the National Technological University had remained unchanged at about 20 per cent.

15. Once the goals of the National Programme for the Promotion of Equal Opportunities for Women (PRIOM) had been met, an Area for Women had been formally established within the Ministry of Culture and Education to ensure that education served to strengthen equality of the sexes in all spheres and to promote solidarity. All the basic material taught in formal education had been revised to eliminate discrimination, and the inclusion of material on women's contributions to culture, economic growth and social development was being promoted. A network of provincial focal points for women and education was being set up; the participants would be trained through national seminars and technical assistance to the provinces. As a first step towards the development of affirmative-action measures, a research and academic study competition was being held on the influence of regional cultural patterns on women's access to and tendency to remain in the Argentine educational system and on their choice of fields of study.

Article 11

16. In April 1997, the National Women's Council had signed a framework agreement with the Ministry of Labour and Social Security on inter-institutional cooperation and technical assistance to promote equal opportunities in employment. It had also signed two additional protocols: one on the implementation and strengthening of the Occupational Guidance for Women Service, and one on the Community Services Programme and the Council's involvement in its operation at the provincial level. In 1997, funding for the latter programme had tripled in relation to its 1996 level.

17. In June 1997, measures had been taken to enable housewives to participate in the Integrated Retirement and Pensions System. The Council had presented bills to the National Congress on the regulation of labour relations in the area of domestic service and on the social security system for domestic workers.

Article 12

18. In the period 1990-1995, women's life expectancy, at 76 years, had been 6.74 years longer than that of men. In general, maternal mortality rates had declined in recent years, but significant differences between regions were still in evidence. The chief causes of maternal death were abortion and other direct obstetrical causes, but the former had decreased markedly over the past decade in both relative and absolute terms, dropping from 133 deaths in 1985 to 90 deaths in 1993.

19. Provincial and municipal jurisdictions were responsible for health-care services and were authorized to establish programmes in that area. In 1994, the Ministry of Health had drawn up national health-care standards for normal pregnancy, low-risk childbirth and immediate neonatal care, and also for the treatment of disease patterns. A bill on responsible parenthood, which included a list of authorized methods of contraception, was still before the National Congress. A commission involving the participation of scientific associations, the United Nations Development Programme and members of the Ministry, and of the National Women's Council, had drawn up proposed standards for responsible parenthood and education for health.

20. The provinces and municipalities were implementing a six-year maternal and child health and nutrition programme aimed at reducing maternal and child morbidity and mortality rates by improving the targeting, design, implementation and coordination of health care, nutrition, supplementary feeding and child development services and programmes. The Women, Health and Development Programme sought to improve women's health while raising their awareness of gender inequalities attributable to cultural factors, to promote and protect the health of women and their families by providing basic information on health care and to enable women to participate in development by improving their health and quality of life. Activities under the Programme included the organization of workshops throughout the country and of a national meeting at which a report on the situation of women's health in Argentina had been elaborated, the implementation of a pilot project on health-care training for indigenous women in their own language and the provision of training in "women and health" workshops. About 60,000 women had been trained as preventive health-care workers, and training materials had been elaborated for use by community leaders. In 1995, the Programme had agreed to train 1,200 representatives of the Housewives' Union from various parts of the country. The National Women's Council, for its part, was conducting research on early pregnancy and teenage motherhood.

Article 13

21. In the context of the ongoing activities under the Council's agreement with the National Credit Programme for Micro- and Small Enterprises, a 60-hour training course on business administration was being offered to women. The course was conducted by non-governmental businesswomen's organizations on the basis of a programme drawn up by the Council.

Article 14

22. The projects described in the second periodic report had been continued. Under the "Northwest" project, 1,300 rural women had received training and formed the coordinating team for the national network of rural women. Fifteen groups with self-management capacity and knowledge of new production alternatives and technical skills had been formed, as had an interdisciplinary team of specialists on gender issues. Over 14 per cent of the beneficiaries of the "Northwest" project's programme of credit and technical support for small producers had been women. Thirty-five per cent of the participating groups of producers had consisted of both women and men. Twenty-three women's productive projects had been carried out, and 45 extension workers had received training on the gender perspective.

23. The Department of the Environment and Natural Resources took an integrated approach to sustainable development that included the gender perspective. Its project on biodiversity would involve the active participation of women, in compliance with various provisions of the Beijing Platform for Action. The use of pesticides in agriculture was being studied, in view of its harmful effects on the health of women and children. The Secretariat planned to prepare and disseminate data for use in gender-specific planning and evaluation.

Article 16

24. Parliament had begun the process of approving a bill that would modify the legal regime governing the disposal of property of uncertain origin belonging to a married couple, to remove the presumption in favour of the man. With respect to maintenance, steps had been taken to ensure that maintenance recipients were paid the amounts to which they were entitled. Bills had been introduced on the establishment of a national register of persons in arrears on their maintenance payments and the establishment of a national maintenance fund and a fund for the payment of advances on unpaid maintenance.

25. With respect to the general comment contained in paragraph 4 of the report of the pre-session working group (CEDAW/C/1997/II/CRP.1/Add.1), the description of the social and economic situation contained in the third periodic report illustrated the necessity of the Convertibility Plan, which had curbed runaway inflation, boosted the gross domestic product and increased investment and exports. Further gains in productivity and competitiveness were expected for 1997.

26. In assessing the impact of structural reforms on the country's growth, it was necessary to take into account such quality-of-life indicators as the level of education of the workforce, initial per capita income and macroeconomic stability. The reform of the social security system had resulted in a decrease in the percentage of the system's resources financed from payroll contributions and an increase in the percentage financed from fiscal resources. In the period 1991-1996, the mean social security income of retirees and pensioners had risen by 29 per cent in real terms. Benefits had been collected by nearly 90 per cent of men and 78 per cent of women aged 75 to 79, and by 18 per cent of men and 26 per cent of women aged 55 to 59.

27. The Government was aware that some challenges remained to be met, such as unemployment and the improvement of the living conditions of the population in general and women in particular. The country's transformation had affected women, but a correlation had been established between economic results and changes in the socio-economic status of women. As the economy had stabilized and greater openness had been achieved in development efforts, women's employment prospects had improved considerably.

28. The Government believed that, had it not been for the far-reaching structural reforms which had been carried out in recent years, the inequalities in the distribution of wealth would now be much greater. Those inequalities derived from the shortage of human resources and the profound and increasing inequalities of opportunities in education and occupational training. The social development programmes which were being carried out by the Government were promoting equality and improving the standard of living of the population as a whole and of women in particular.

29. In the area of human rights, women had broad protection under Argentine law. Under the 1994 constitutional reform, the Convention and human rights agreements were regarded as complementing the rights and safeguards laid down in the Constitution. Provision had been made in the Constitution for a Parliamentary High Commissioner, with full operational autonomy, who was appointed by Congress for a five-year term and enjoyed the same immunities and privileges as legislators.

30. The National Women's Council was carrying out a programme to monitor bills concerning women which were submitted to Congress and provide technical assistance to legislators in drafting legislation. It had published a booklet on Argentine legislation and the Convention. In accordance with an agreement among provincial women legislators, a communications network between national and provincial legislators would be established over the next few days to carry out joint action to secure the approval of proposals relating to women.

31. Following the re-election of President Menem, the policies which had been begun in 1989 to benefit women had been intensified and institutional mechanisms for carrying out those policies had been strengthened.

Article 1

32. The National Women's Council had drawn attention to the need to change the current classification of offences against decency, and a proposal would be made to amend the Penal Code.

33. The committee on the review of the Penal Code had not yet announced the areas on which it would focus or what its priorities would be.

Article 2

34. The constitutional reform of 1994 had included various provisions to establish equal rights for men and women. Article 37 of the Constitution guaranteed the full exercise of political rights and specified that genuine equality of opportunity for men and women with respect to access to elective

office and to positions in political parties must be guaranteed by means of affirmative action in the regulation of political parties and the electoral system. Congress was empowered to adopt and promote affirmative-action measures guaranteeing genuine equality of opportunity and treatment and the full enjoyment and exercise of the rights laid down in the Constitution and in international human rights treaties, particularly in relation to children, women, the elderly and disabled persons.

Article 3

35. In 1995 the National Women's Council had signed an agreement with the Ombudsman for Prisons under which both parties agreed to promote action to improve prison conditions and ensure respect for the human rights of women prisoners. Under that agreement, a survey of women prisoners had been conducted. There were three women's prisons, one in La Pampa province, and two in Ezeiza, Buenos Aires province. The Ombudsman for Prisons worked within the Ministry of Justice and was appointed for renewable periods of four years. He had operational autonomy and was responsible for protecting the rights of prisoners.

36. In his annual report for 1995-1996, the Ombudsman for Prisons had reported that in March 1996, the prisoners in the women's correctional institute (Unit No. 3) had organized a four day hunger strike to demand improvements in their situation. On 2 April, the prisoners had held two prison officers and a senior official hostage. The Ombudsman for Prisons had intervened to secure their release, and the prison authorities had undertaken not to take reprisals or make any transfers. Despite that, 11 prisoners had been transferred to prison units in Buenos Aires province on 2 May. The prisoners had filed a habeas corpus motion, and the court had decided to return them to their original location. According to that report and press reports, no prisoners had been killed.

37. The National Women's Council had signed framework agreements for cooperation with ministries and agencies at the national level. The Equal Opportunity Plan for 1993-1995 made provision for joint action with various government areas. In practice, it had been difficult for the Council to follow up on the actions of other bodies since it was not empowered to take measures to ensure compliance with government policy. The Federal Women's Council was implementing measures to coordinate, assess and monitor policies relating to women.

38. The President had approved the Equal Opportunity Plan for 1993-1995 incorporating the Three-Year Plan of Government Action for the Promotion and Equal Participation of Women. In education, the principle of equality of opportunity and elimination of discriminatory stereotypes from teaching materials and the use of non-sexist language had been incorporated in the Federal Education Act of 1993, and awareness and training activities had been organized for educators all over Argentina. In employment, posts for women had been included in the intensive work programmes in 1993 and 1994, pilot projects had been carried out in three provinces for the project entitled "Occupational Guidance for Women Service", vocational training for 3,000 women had been financed by the Ministry of Labour, a proposal for affirmative action in businesses had been presented to the Argentine Industrial Union in 1995 and an

intersectoral commission had been established to develop an integral proposal to improve the working conditions of domestic workers.

39. In respect of political participation, multi-party committees of women politicians had been established at the provincial level; a network of women politicians had been organized at the national level, with branches in all the provinces; technical assistance for the implementation of the Quotas Act had been provided in 14 provinces, and the implementation of the Act had been monitored in the 1993 and 1995 national elections.

40. In the area of legal equality, a booklet on women in the constitutional reform of 1994 had been published; meetings had been held with legislators to coordinate efforts to secure the approval of a domestic violence bill; bills had been drafted for the recognition of the constitutional status of the Convention and the empowerment of Congress to promote affirmative-action measures; Decree No. 2385/93 to incorporate conduct constituting sexual harassment in the Civil Service Basic Regulations had been drawn up, and a workbook had been prepared on Argentine legislation and the Convention.

41. In the area of economic development there had been a pilot experiment to train women in business management, and a framework agreement with the Department of Industry in its capacity as executing agency for the global credit programme for micro- and small enterprises. In the area of institutional strengthening, training and technical assistance had been provided to five provinces.

42. Ms. REGAZZOLI (Argentina) said that in 1987 a human rights subdepartment had been established within the Ministry of Foreign Affairs to carry out treaty reporting obligations. With the advent of democracy, women's subdepartments had been established first in the Ministry of Foreign Affairs and then in the Ministry of Social Security. After President Menem had taken office, the subdepartments had become the Department of human rights and women. The Coordinating Council had then established the National Women's Council and the Federal Women's Council.

Article 4

43. Ms. SCHIAVONI (Argentina) said that as a result of the implementation of Act No. 24,012, which had been passed in 1991, the number of women members of the Chamber of Deputies had increased from 5.8 per cent in 1991 to 28 per cent in 1997. The National Women's Council was monitoring the implementation of the Quotas Act very closely. It had also worked to have similar legislation passed in the provinces, and, as a result, 19 of Argentina's provinces now had quota laws that applied within their jurisdictions. At the time of the 1994 constitutional reform, the constitutionality of the affirmative action provided for in Act No. 24,012 had been challenged in the courts, but the courts had ruled that the Act was constitutional. The Act was now reinforced by article 37 of the Constitution.

44. In the Constituent Assembly, as a result of the application of the Quotas Act, women held 25.6 per cent of the seats. During the national elections for the Chamber of Deputies in 1995, observers from the National Women's Council,

had monitored the enforcement of the Quotas Act and had notified the Parliamentary High Commissioner whenever the guidelines set forth in the Act were not complied with so that action could be taken.

45. The new Constitution provided that amparo proceedings for redress for any form of discrimination could be instituted by the person affected, the Parliamentary High Commissioner, or associations active in the field in question. The National Women's Council had instituted amparo proceedings in the courts to seek recognition of its right to demand the enforcement of legal provisions guaranteeing equality of opportunities for men and women, and the right of all citizens to vote for an egalitarian list of candidates. The Court of Appeal had upheld that right.

46. Ms. REGAZZOLI (Argentina) said that in the 1995 elections, no legal action had been needed because all the political parties had complied with Act No. 24,012. There would be elections for the legislature in October 1997. In 1998, the members of the senate would be elected by direct suffrage, so that the Quotas Act would apply for the first time.

47. On the question of employment programmes for women, the National Women's Council had requested an indicative quota for women of 20 per cent of jobs in the intensive work programmes which had been launched in 1993 and 1994. Rates of 11 per cent and 15 per cent had been achieved in 1993 and 1994, respectively.

Article 5

48. Ms. SCHIAVONI (Argentina), commenting on the implementation of the Protection against Domestic Violence Act, said that an interdisciplinary group of professionals had already been formed and was currently undergoing specialized training in the area of family violence. At least 10 provinces had adopted legal provisions covering cases of domestic violence.

49. The publicity programme which had been adopted to promote awareness of the content and aims of Act. No. 24,417 would be implemented during 1997 and the National Women's Council had been invited to participate in its implementation.

50. With regard to the reported increase in domestic violence, while the number of reports on the subject had indeed increased, no reliable data were available to support that contention. At the national level, there were few government programmes for the rehabilitation of aggressors and such programmes as existed, which generally came under the decentralized health care system, were of uneven quality.

51. The Protection against Domestic Violence Act and the Belem do Pará Convention demonstrated the importance which was attached to violence against women. In collaboration with the United Nations Children's Fund, the National Women's Council had designed a national programme to provide training and technical assistance and to promote greater awareness of violence against women. The consequences of domestic violence were examined in the nearly 20 bills which had been introduced on the subject since 1984 and in the national report which Argentina had presented to the Fourth World Conference on Women. Whether or not the aggressor was arrested depended on the type of injuries sustained by the

victim. National data identified a broad category of crimes against decency, including the crime of rape, which accounted for 1.3 per cent of all crimes committed in Argentina.

52. The legislature of each province enacted its own code of criminal procedure. Some provinces had incorporated provisions relating to family violence into their codes. At the national level, when it was believed that further violence was likely to be committed, a judge could issue a restraining order for the perpetrator to stay away from the home.

53. With regard to the training of judges, the National Women's Council was currently funding a pilot programme to sensitize judges and officials of the San Juan province to the problem of domestic violence and violence against women. The Council hoped that after an evaluation of its results the pilot programme could be replicated in other provinces.

54. It was difficult to determine whether there had been an increase in the violence used by police against women victims of domestic violence. In any event, the solution to the problem lay in providing special training for police personnel. The Federal Police currently organized specific training courses on the subject and had established counselling centres for victims of sexual violence.

55. Ms. REGAZZOLI (Argentina) added that special units had been established in a number of police jurisdictions to handle complaints of domestic violence against women. Women were also occupying increasingly senior positions within the police force.

56. Ms. SCHIAVONI (Argentina), referring to the protection of rural women from sexual abuse, said that less than 20 per cent of the population of Argentina was rural. Rural women were afforded protection under the legislation of the province in which they lived. The Council was advocating the establishment of provincial and municipal women's centres to provide women with technical assistance and training in the area of domestic violence.

57. With regard to the role of the Catholic Church in the promotion of women's reproductive rights, her delegation could not speak on behalf of an institution which it did not represent and could only describe the action taken by the various State agencies in the area of family planning. Responsible parenthood legislation had already been approved by one chamber of Congress, and provincial and local authorities were also enacting laws in that field. With the assistance of the World Bank, the Ministry of Health and Social Action had launched a six-year programme in 1994 to reduce the mortality rate among mothers and children.

Article 6

58. Prostitution was one of the issues to be considered in the proposed reform of the Penal Code and one of the areas in which the National Women's Council proposed to carry out research. No specific action had been taken to prevent prostitution, which was governed by the relevant provincial and/or municipal regulations. She agreed that there was no justification for the current

situation in which traffic in women was subject to a lesser penalty, regardless of the victim's age, than the penalty for the promotion of prostitution which did not involve trafficking.

Article 7

59. Responding to the question about the role of women in trade unions, she said that Argentine labour legislation provided for equality in the legal and social status of men and women. In practice, however, women did not enjoy equal access to employment opportunities and promotions and few women held senior leadership positions within the trade unions themselves.

60. With regard to the participation of women in political and public life, the National Women's Council had long been seeking to promote increased participation by women's organizations in public life through the establishment of advisory committees in various sectors and periodic consultations with prominent women and non-governmental organizations on specific issues. The recently established Federal Women's Council and the greater role being played by the provinces in national life should further strengthen the participation of women and women's organizations in public life at both the provincial and national levels.

61. As to the impact of the Argentine Electoral Code, the Quotas Act amending the Code applied to elective national office and had had a major impact in Congress where the percentage of women members had risen from 5.8 per cent in 1991 to its current 28 per cent. In the 1994 Constituent Convention, 25.6 per cent of the members elected had also been women. The passage of the Quotas Act had spurred a debate in society on the need to enact quota laws that would extend to other social and State institutions. Draft legislation had been introduced in Congress for the establishment of quotas in the executive and judicial branches and in trade unions. At the national level, one minister and four heads of department were women.

Article 8

62. Ms. REGAZZOLI (Argentina), replying to the question concerning the representation of women in the Foreign Service, said that, despite recent improvements, there was still a need for specific programmes to strengthen their representation. Women currently filled 9 per cent of ambassadorial posts abroad as well as 30 per cent of posts in the upper echelons of the Ministry of Foreign Affairs.

Article 9

63. Ms. SCHIAVONI (Argentina) said that Argentine nationality was determined by place of birth and the nationality of one spouse did not change that of the other. Contrary to what had been mistakenly stated in the first periodic report, the law governing nationality made no distinction between men and women.

Article 10

64. According to the 1994 census of national university students, there were 47.6 male and 52.2 female students. Female students were more heavily represented in the fields of the social sciences, philosophy, the humanities, pharmacy, biochemistry, odontology and psychology. Also, in recent years an increase had been noted in the number of women studying law, architecture, economics and especially engineering, technology and medicine.

65. On the subject of access by men and women to study grants and scholarships, no distinctions were made between men and women, although data on the number of women who had received scholarships were unavailable.

66. As to the impact which the specialized women's studies course of the University of Buenos Aires had had, similar courses were being developed at several other universities following the success of the first programme. Students in the discipline of women's studies had been active in the Constituent Convention on constitutional reform, in the research teams of national universities and in women's non-governmental organizations.

The meeting rose at 1.p.m.

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Seventeenth session

SUMMARY RECORD OF THE 356th MEETING

Held at Headquarters, New York,
on Tuesday, 22 July 1997, at 3 p.m.

Chairperson: Ms. CASTILLO
(Vice-Chairperson)

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Second and third periodic reports of Argentina (continued)

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In the absence of Ms. Khan, Ms. Castillo, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second and third periodic reports of Argentina (continued) (CEDAW/C/ARG/2 and Add.1 and 2, and CEDAW/C/ARG/3)

1. At the invitation of the Chairperson, Ms. Regazzoli and Ms. Schiavoni (Argentina) took places at the Committee table.

Article 10 (continued)

2. Ms. SCHIAVONI (Argentina) informed the Committee that in rural areas the literacy rate was 95.8 per cent for men and 82.5 per cent for women. Of the rural population, 4.7 per cent had never attended school and the percentage for women was slightly higher than that for men; however, the situation varied considerably from one province to another. Starting in 1997, the Ministry of Culture and Education was implementing a distance learning programme to enable adults to complete their primary education and to ensure that all citizens were literate. A specific programme had also been designed to improve basic education in rural areas.

3. The apparent contradiction between the summary dated February 1988 and the addendum to the second report (CEDAW/C/ARG/2/Add.2) with regard to the education system could be explained by the fact that information had been taken from different censuses.

4. The number of girls who had to repeat a school year was significantly lower than the number of boys at all levels.

Article 11

5. The Constitution, as reformed in 1994, called for the establishment of a special social security scheme for neglected children until they had completed elementary school and for mothers during pregnancy and while breastfeeding. Labour legislation prohibited women from working during the 45 days before and 45 days after giving birth. Likewise, women were prohibited from carrying out arduous, dangerous or unhealthy work.

6. In 1993, the offence of sexual harassment had been incorporated into the basic regulations of the civil service and a study on sexual harassment in the civil service had recently been completed. Measures were under way to extend legal protection throughout the public and private sectors.

7. The National Women's Council had been in contact with national women's organizations in the countries members of the Common Market of the Southern Cone (MERCOSUR) in order to develop common strategies to ensure the inclusion of

women's concerns in the MERCOSUR process. The Buenos Aires Declaration, resulting from a high-level meeting of women's organizations, recommended the establishment of a coordinating body on women's issues to prepare proposals and participate at the different institutional levels of MERCOSUR.

8. Argentina recognized the principle of equal pay for equal work although no specific measures had been adopted to enforce the principle. However, a measure had been introduced to promote employment for those with most difficulty in finding work, and women formed part of the target group.

9. A bill had recently been introduced which would regulate various aspects of domestic work and grant such benefits to domestic workers as maternity leave, retirement pensions, accident insurance and other kinds of protection.

10. Comparative statistical data on employment was unavailable as many statistics were not gender-specific. A recommendation would be made to the National Institute for Statistics and Censuses that future data should be disaggregated by sex.

11. The legislation and other measures described in the second and third periodic reports were still in effect, although the prohibition on night work by women had been eliminated as it was considered discriminatory.

12. Both maternity leave and leave to look after a sick child were granted exclusively to women. Fathers were allowed two days off for the birth of a child. Argentina had ratified the International Labour Organization's Workers with Family Responsibilities Convention, 1981, although that Convention was not yet reflected in Argentine legislation. The lack of childcare facilities had not improved.

Article 12

13. The National Women's Council was preparing a programme on Women and AIDS in conjunction with the Ministry of Health. The number of people with AIDS was increasing; in 1996, 19 per cent more cases had been reported than in the previous year. Furthermore, the number of women with AIDS was growing more rapidly than the number of men.

14. The Ministry of Health was responsible for a national teenage health programme, and the National Women's Council was carrying out a study on the incidence of teenage pregnancy. The study would make recommendations for national prevention and assistance activities. Preliminary recommendations suggested specific actions which could be taken by the media, educational establishments, health professionals and the community. The next stage would be the formulation of public policies.

Article 13

15. Women had the same access as men to bank loans, mortgages and other forms of credit as men. The National Women's Council had carried out various activities to train women in business management and had an agreement with the Department of Industry and Trade to carry out joint activities under the Global

Credit Programme for Micro- and Small Enterprises; 1,036 loans had already been granted to women under the programme.

Article 14

16. Since 1989 the Government had been implementing a training project for rural women in the north-western part of the country, and the women now formed part of the national Rural Women's Network. An interdisciplinary team of professionals specialized in gender issues had been integrated into the Department of Agriculture, Fisheries and Food, and women's needs were taken into consideration in the decision-making of the Department's Agricultural Planning and Development Directorate.

17. Furthermore, rural women received loans under a special loans and technical assistance programme for small farmers in north-eastern Argentina.

Article 15

18. Women had equal access to legal services; however, they seldom had the means to pay for them.

19. The changes in Act No. 23,515 which abolished the restrictions on women in regard to the joint choice of the conjugal home had had a positive impact. In some cases a woman was allowed to continue using her husband's name after a marriage broke down.

Article 16

20. Women had the right to decide how many children they had and the spacing between them. However, there were disparities in the information and counselling services available as, owing to the decentralization of health care, such programmes were implemented at the municipal and provincial level.

21. There was no office for the protection of minors in Argentina; however, the Council for Minors and the Family was responsible for assisting single mothers.

22. Women and men had equal rights within marriage and after its dissolution. The ownership of property was always demonstrable, and each spouse administered his or her property independently. The spouse awarded custody of the children had the right to use the conjugal home, but not to ownership. Other acquired property could be liquidated.

23. Couples who cohabited did not have the same rights as legally married couples, and there were no legal provisions regarding their property; however, relevant legislation was under discussion.

24. By law, mothers were given custody of children under the age of five and, in general, mothers were given custody of minors unless the father contested the decision. Judicial decisions were reached on a case-by-case basis, in the best interest of the child.

25. There had been progress in reforming the Civil Code, and there was now a specific provision that marital property should be assigned to both spouses in equal parts.

26. Dispensation for under-age marriage could be granted by a judge in special circumstances, pregnancy being the most usual reason.

27. Ms. REGAZZOLI (Argentina) said that the national ad hoc committee set up to follow up on commitments made as a result of the Beijing Platform for Action, had identified various priority areas for action in the different regions of the country.

28. The area of women and poverty had been chosen as a national priority in order to identify strategies to promote improved opportunities for women as well as access to appropriate employment, land, technology and capital. Education and training had been identified as crucial elements in the elimination of women's poverty and the Ministry of Education had undertaken a series of programmes to prioritize all levels of education, with grants to the most needy families.

29. If adequate funding could be obtained from public and private sources, an electronic network for the prevention of domestic violence would be established as well as centres for attending the victims of violence.

30. Ms. SCHIAVONI (Argentina) said that legislation had been proposed to establish a national register of persons in arrears in the payment maintenance.

31. Lastly, she said that the Committee's remaining questions would be answered in the next report.

32. Ms. GONZALEZ commended the way in which the Argentine Government had established national agencies to deal with women's issues, in particular the Directorate-General for Human and Women's Rights, which had enabled Argentina to participate in all international and regional forums for the advancement of women. She noted that, under article 75, paragraph 23, of the Constitution, women were still considered a vulnerable group, along with children, the elderly and disabled persons, and she suggested that the end of the last sentence of paragraph 23 should be amended to read "particularly the rights of children, the elderly and disabled persons of both sexes", since that would cover women of all ages but would not imply that all women were vulnerable.

33. Ms. JAVATE DE DIOS said that the fact that the highest possible legal status had been given to all international treaties and conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, was indicative of the high priority that Argentina attached to the advancement of women and the promotion of human rights in general. The passage of the Equal Opportunity Plan for Women should help strengthen mechanisms for the advancement of women in Argentina. She was impressed that the Supreme Court had upheld the Quotas Act and had allowed it to be implemented. That precedent-setting ruling had international implications and would no doubt be cited by members of the Committee in support of affirmative action for women.

34. She understood that Argentina had undertaken a comprehensive review of the Penal Code, and she looked forward to changes that would make the Argentine Constitution even more consistent with the Convention. She commended the Government of Argentina for its decisive steps to prevent violence against women, in particular its adoption of Act No. 24,417 and the many programmes and projects to promote awareness of the problem of domestic violence. She suggested that Argentina should look into the Committee's general recommendation No. 19 on violence against women, and she hoped that Argentina would continue its efforts to deal with that problem, in particular by providing gender-sensitization training to the judiciary and law-enforcement agencies.

35. Ms. HARTONO wished to know in which cases international treaties did not have the status of supreme law in Argentina. She requested information on how the Quotas Act had been drafted and adopted. She had not noted any improvements in public life with respect to gender sensitivity. Argentina had not provided any statistics or background information on how it had managed to carry out changes that improved the status of women, and she hoped that it would follow the Committee's guidelines more closely when preparing its fourth periodic report.

36. Ms. ABAKA said that the global trend towards privatization had resulted in job losses and cuts in the social sector, which adversely affected women. She inquired whether privatization was also having the same repercussions in Argentina, and whether men and women were equally affected.

37. Ms. BUSTELO GARCÍA DEL REAL wished to know whether any equal opportunity plan for women was currently in force. In its next report, Argentina should provide a rigorous assessment of its equality plans and programmes in order to enable the Committee to evaluate the progress that had been achieved. She hoped that, in its next report, Argentina would indicate whether the appeal of amparo had been invoked by any group, including women.

38. Ms. FERRER wished to know whether the Quotas Act would apply to the senatorial elections to be held in Argentina in 1998. The Argentine delegation should inform the Committee whether there was any parliamentary commission that dealt exclusively with women's issues. She inquired whether the National Women's Council had provided any training or conducted any awareness campaign on gender issues among women parliamentarians, senators, mayors, councillors and other female government officials in order to enable them, in addition to performing their elected functions, to work towards the eradication of all forms of discrimination against women. She wished to know why six provinces had still not applied the Quotas Act, and she requested information on what measures the National Women's Council was taking to ensure that a greater number of women were appointed to high-level decision-making posts at the federal and local levels.

39. Ms. GONZALEZ wished to know whether in Argentina domestic violence was characterized as a crime or merely as a civil misdemeanour, and how such violence was punished. She inquired whether the National Women's Council had considered conducting campaigns to promote public awareness of the seriousness of domestic violence against women and of its social, political and economic implications.

40. Ms. LIN Shangzhen wished to know why six provinces had not implemented the Quotas Act, and she wondered whether provinces had their own legislation that could override federal legislation.

41. Ms. JAVATE DE DIOS said that the second and third periodic reports did not contain sufficient data, particularly statistics, on prostitution. According to the second periodic report, a commission had been set up to undertake a comprehensive study of prostitution, and she wished to know what the results of that study had been and what measures the Government was taking to combat prostitution and help prostitutes find alternative employment. She was alarmed at the traffic in women from Latin America to Europe and the "selling" of women on line through the Internet.

Article 7

42. Ms. AOUIJ wished to know why six provinces had not implemented the Quotas Act and inquired whether legislation had to be adopted at the provincial level in order to implement the Act in a given province.

43. Ms. GONZALEZ requested further information on actions taken by political parties and organizations following passage of the Quotas Act, on the extent to which passage of the Act had resulted in greater participation of women in the national legislature, and on how political parties and organizations had reacted to that participation.

Article 8

44. Ms. JAVATE DE DIOS, noting that fewer women were employed at higher levels of the foreign service, requested information on Government measures to encourage women to enter that service, and on how the Government promoted gender sensitivity and awareness of the Convention among diplomatic personnel.

Article 10

45. Ms. Yung Chung KIM asked if specific incentives existed for women students to choose non-traditional fields of specialization, and also requested information on the availability of subsidies or scholarships to women for that purpose, the means of support of women to whom such subsidies were not available, current job opportunities for women graduates as compared to their male counterparts, and the ratio of female to male professors in the federal capital and in the provinces.

46. Ms. LIN Shangzhen asked the Argentine representatives to explain the remarkably high proportion of female students at the college level. She also noted with interest the broad mandate of the permanent Bicameral Commission on the Elimination of All Forms of Discrimination against Women, and asked how many women sat on the Commission and what work it had undertaken to date.

47. Ms. JAVATE DE DIOS asked what core messages had been promoted by the recent massive campaign to sensitize educators to gender issues, which educators had been targeted by the campaign, and what measures the Government was taking to assess the impact of the many changes taking place in the educational system.

She also asked for more information on the network of provincial focal points for women, and on the impact of remote or long-distance education on the training and employment of women in the provinces.

Article 11

48. Ms. FERRER asked to what extent the vocational training programmes undertaken as part of the Restructuring Support Programme had improved women's employment status, and whether such programmes attempted to encourage women to seek non-traditional jobs. She asked what family support services had been created in response to the decline in job participation of women over age 25 in the provinces, what measures were being taken to ensure the application of the principle of equal pay for equal work in the public and private sectors, how privatization had affected women's employment in general, and what programmes existed to assist the growing number of households headed by single women. She also asked for information regarding initiatives or draft legislation on retirement benefits for housewives.

49. Ms. KHAN asked about the extent to which current labour laws and affirmative action measures for women covered the informal sector, what employment opportunities or affirmative action programmes existed for women in that sector, and whether the vocational training programmes available to women had eliminated stereotypical job categories. She also asked for more information on the degree of gender segregation existing in the job market, and whether job advertisements were themselves segregated by sex. She noted the evident reluctance of many educated women to enter the labour market owing to the likelihood of their encountering discrimination, and asked for more information on how that problem was being addressed. She recommended that the Government should review general recommendation No. 13 and undertake a survey of women's attitudes to the informal labour market.

50. Ms. BARE asked whether the under-representation of women at higher managerial levels in the Government and the private sector was due to job segregation or to the persistence of gender stereotyping, what affirmative actions could be undertaken to assure women's upward mobility, and what measures could be taken to provide equal employment opportunities for young women.

51. Ms. GONZALEZ asked how the Government intended to provide funding to support the draft legislation protecting women in the informal sector, and what employers' obligations would be regarding social security and other benefits for household employees. She also requested an explanation of references in the third periodic report to partially adopted legislation.

52. Ms. BUSTELO GARCÍA DEL REAL requested that future reports should provide gender-disaggregated and periodic data with regard to article 11. She also asked what social security or other labour benefits accrued to women working in companies owned by their husbands or fathers, and how men and women shared tasks and chores in public and private life.

Article 12

53. The CHAIRPERSON asked if the Government intended to review its policy of permitting sterilization of women only with the express consent of their husbands or partners and only in life-threatening situations, and if not, what its reasons were to continue to permit that legal obstacle to the exercise of women's reproductive rights.

Article 14

54. Ms. OUEDRAOGO welcomed the progress which Argentina had made in implementing the Convention, particularly in the fields of health and education, and commended the State party for the very positive legislative reforms it had introduced.

55. With respect to article 14, she felt that the reports had not provided adequate information concerning the situation of rural women. Statistics would be useful to indicate the scope of the "feminization" of agriculture. The lack of health, family planning and sex education centres for rural women was a cause for serious concern, and she wished to know whether a family planning and sex education programme would be introduced in the near future.

56. She inquired whether a global policy concerning rural women was envisaged which took into account the need to decrease their burden of domestic chores, promote opportunities for women to engage in income-generating activities and provide them with increased access to credit. Lastly, she had hoped that the third report would have provided an analysis of the impact of the new policy for integrating rural women into production and she looked forward to its inclusion in the next report.

57. Ms. FERRER said that she endorsed the views expressed by Ms. Ouedraogo.

58. Ms. REGAZZOLI (Argentina) said that the National Women's Council had reached an agreement with the National Institute for Statistics and Censuses which would enable her Government to provide gender-disaggregated data in its next report, along with a detailed analysis of the impact of measures taken to mainstream the gender perspective.

59. Ms. SCHIAVONI (Argentina) said that the Government was continuing to urge provinces which had not yet adopted the Quotas Act to do so. Some provinces would have to alter their system of political representation in order to be in compliance with the Quotas Act, while in others it was simply a matter of avoiding measures which were discriminatory and adopting anti-discriminatory measures.

60. Ms. REGAZZOLI (Argentina) recalled the history of the adoption of the Quotas Act and pointed out that its Regulatory Decree was of the utmost importance, since it stipulated the specific quotas which must be honoured by political parties depending on the number of seats available. In the City of Buenos Aires, the three top offices currently were occupied by women from three different political parties, which was evidence that Argentine society and political parties recognized that the increased participation of women in

decision-making was essential for democracy and the consolidation of social justice.

61. Ms. SCHIAVONI (Argentina) explained that a bill in the legislature which had been "partially adopted" was one which had been adopted by one legislative chamber and was awaiting action by the other chamber.

62. She assured the Committee that considerable progress had been made in incorporating gender perspectives in training and education programmes, given the deeply held belief in the importance of that perspective for the analysis of progress in all the sciences.

63. The CHAIRPERSON said that all the positive measures introduced to enhance the status of Argentine women demonstrated the State party's firm political will to incorporate gender perspectives in the country's development process. Nevertheless, information provided by Argentine non-governmental organizations gave cause for concern. The feminization of poverty and the problems women faced finding gainful employment were painful examples of the impact of macroeconomic decisions taken by the Government to control inflation and establish a new economic order.

64. Further information was needed concerning the health needs of women and on prostitution and traffic in women. She was alarmed that abortion and obstetrical complications were the principal cause of death among Argentine women.

65. She urged the State party to address matters relating to all aspects of women's health as well as to their access to employment, problems of unemployment and underemployment and the feminization of poverty with the same determination and political will with which it had tackled other women's issues.

The meeting rose at 5.45 p.m.

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Seventeenth session

SUMMARY RECORD OF THE 357th MEETING

Held at Headquarters, New York,
on Wednesday, 23 July 1997, at 10.30 a.m.

Chairperson: Ms. ABAKA
(Vice-Chairperson)

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97-81753 (E)

In the absence of Ms. Khan, Ms. Abaka (Vice-Chairperson), took the Chair.

The meeting was called to order at 10.45 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined third and fourth periodic reports of Bangladesh (CEDAW/C/BGD/3-4)

1. At the invitation of the Chairperson, Ms. Chowdhury, Mr. Hossain and Mr. Pasha (Bangladesh) took places at the Committee table.

2. Mr. HOSSAIN (Bangladesh) said that the Constitution of Bangladesh enshrined the principle that women should have equal rights with men in all spheres of public life. However, while the goal of equality of women and men had been conceptualized by the Father of the Nation long before the adoption of the Convention on the Elimination of All Forms of Discrimination against Women, during the past two decades, effective programmes and policies for the advancement of women in Bangladesh had not been pursued with suitable earnestness. Nevertheless, since her election to office the previous year, the new Prime Minister and her Government had been doing their utmost to fulfil their commitment to the elimination of all forms of discrimination against women, and despite serious obstacles considerable progress had been achieved.

3. Measures taken by the Government included the adoption of a national policy for women's development and the formulation of a National Action Plan for the implementation of that policy and of the Beijing Platform for Action. In those and other initiatives undertaken by the Government, Bangladesh had benefited from the expertise of many women's and human rights activists and non-governmental organizations. Committees had been formed to review problems and to submit recommendations for prompt implementation. Indeed, the Government and civil society had embarked on a nationwide mobilization for achieving women's rights, with special attention being paid to such issues as violence against women, trafficking in women and children, and legal reform. Women in Bangladesh were increasingly being represented in public life and at decision-making levels. Indeed, the country was in the unique position of having women both as Prime Minister and leader of the opposition, and of having had two women succeed each other as Prime Minister.

4. He was pleased to inform the Committee that the Government of Bangladesh had decided to withdraw its reservations to article 13, subparagraph (a), and article 16, paragraph 1 (f), of the Convention.

5. Ms. CHOWDHURY (Bangladesh), introducing the combined third and fourth periodic reports of Bangladesh, said that the report had been prepared against the backdrop of two extensive consultative processes involving governmental and non-governmental organizations, agencies and individual women's rights activists and researchers. The first was an institutional review of the Government's capability in the field of women and development; and the second was the draft

National Action Plan as a follow-up to the Beijing Platform for Action. The current report was designed to provide an understanding of the nature of the gender inequalities that pervaded society and to identify the remaining obstacles.

6. Such development indicators as health, nutrition, employment and education, showed that the status of women in Bangladesh was significantly lower than that of men. Women were subject to discrimination both in cultural practice and in personal law, and - although their development had been a stated objective of the Government - progress towards the removal of disparities had been limited. Traditional cultural, social and religious values and practices had reinforced the lower status which society accorded to women and had restricted their opportunities for education, technical and vocational training and employment, thereby limiting their participation in the overall development process. The economic contribution of women to the family and the national economy often went unrecognized. In that connection, the issue of provision for childcare was becoming increasingly important as more and more women left home to enter the job market and the extended family system was replaced by nuclear families.

7. Women were still expected to play very traditional social roles. The concept of sharing roles was virtually non-existent and community support services highly inadequate. Although changing, the practice of seclusion (purdah) was still socially valued, while the dowry - a recent phenomenon which had no basis in Islam - continued to be one of the worst forms of discrimination against women.

8. The Constitution recognized the reality of the unequal situation of women, since it acknowledged the need to make special provisions for them as a disadvantaged category. Women constituted 48 per cent of the total population of Bangladesh, and at 450 per 100,000 the maternal mortality rate was one of the highest in the world. Within the one- to four-year age range, 10 girls per 1,000 as opposed to 9 boys died. Women also had less access to health care than men, and most health programmes did not address the needs of a woman throughout the life cycle, concentrating instead on safe motherhood and family planning. In the context of an overall literacy rate of 32.4 per cent, only 25.5 per cent of women were literate. The school drop-out rate for girls continued to be high, and in rural households only one fourth of total educational expenses was spent on the education of girls. The proportion of female students was significantly lower in such technical disciplines as agriculture and engineering, which were considered the domain of males.

9. While the minimum legal age for marriage was 18 for girls and 21 for boys, actual age at marriage could not be ascertained, owing to inadequacies in the birth registration system. The long childbearing span of women in Bangladesh worsened their already poor nutritional status and contributed to the cycle of high maternal mortality, malnutrition and babies with low birthweight.

10. The growing trend towards landlessness and the increasing number of female-headed households was subjecting women to severe economic pressures. Employment opportunities were unequal for women, who constituted only 24 per cent of the total number of workers employed in the manufacturing sector. Women labourers, however, comprised over 90 per cent of the total labour force in the garment and

shrimp-processing industries. Rural-urban migration of women in search of jobs was a recent phenomenon in Bangladesh.

11. On the positive side, there was an increasing awareness that women should enjoy the same political and civil rights as men. The Government was committed to the strategy of mainstreaming women in development and recognizing women's rights as human rights. That approach was reinforced by the strategies adopted by various non-governmental and human rights organizations and by women's activist and research groups. The strategies adopted included bottom-up participatory approaches, capacity-building and increased training for women.

12. At the same time, however, several encouraging trends were emerging. Literacy rates, together with primary school enrolment and completion rates, were rising. The enrolment of girls and women at the secondary and tertiary levels of education was also increasing. More women were pursuing higher education, including in such fields as engineering and agriculture. Maternal and infant mortality rates were falling. The contraceptive prevalence rate had increased to 45 per cent and the Expanded Programme on Immunization currently covered 76 per cent of children under the age of 23 months. Ninety-six per cent of the population had access to safe drinking water. Employment opportunities were opening up and national statistics were gradually being revised to take account of women's participation in the labour force. Finally, women were emerging as a separate constituency in national politics.

13. During the past decade, women's participation in the banking and business sectors and in non-governmental organizations had also increased substantially. The economic participation of women was, however, greater in the informal sector and had increased considerably as a result of the success of the self-employment programmes organized by the Government and by non-governmental organizations. Access to credit as a development input and a tool for poverty alleviation was an experiment by Bangladesh which had been followed in several other countries, with the Grameen Bank model, in particular, being replicated abroad. Microcredit had enabled many families to improve their economic lot and climb the social ladder.

14. The Government had also taken steps to ensure the participation of women in the formulation and implementation of public policy and in the holding of public office. A quota system for all types of public appointments had been introduced to facilitate the entry of women. Under that arrangement, 10 per cent of recruitment to gazetted posts and 15 per cent to non-gazetted posts was reserved for women. During the past five years, approximately 14 per cent of total recruits into the public service had been women.

15. Quotas had little impact at the higher administrative levels, however, despite special initiatives to appoint women to senior positions, and despite the fact that both the incumbent Prime Minister and the leader of the opposition were women. Women as voters were gaining visibility and political strength; it was estimated that nearly 66 per cent of voters in the 1996 parliamentary elections had been women, and their vote would be crucial in bringing women's issues to the forefront of public policy discourse. Thirty seats were reserved for women in Parliament, and the Constitution provided for reserved seats for women in all municipal and local government bodies. That practice was having a

positive impact by enabling women to learn about the workings of the political process firsthand.

16. Social stereotypes of men's and women's roles were reflected in the media and in educational curricula. The media were being encouraged to formulate their own code of ethics governing the portrayal of women, the use of women in advertising and reporting on violence against women. Some measures had also been taken to revise school curricula to eliminate stereotyping.

17. The issue of violence against women merited special attention because of its potential to undermine their achievements and participation in public life. Violence and threats forced women to accept abuse and subordination. For instance, failure to pay a promised dowry often resulted in violence against the bride. Although new laws had been enacted imposing more severe penalties for violence against women, it continued unabated. The Government had become increasingly aware of such related issues as custodial rape, rape by members of law enforcement agencies, extrajudicial violence at the community level based on the invocation of the shariah, or religious law, and the misuse of local arbitration bodies. The Ministry of Home Affairs had set up women's investigation cells in police stations staffed by women police officers to facilitate their access to the police. The Department of Women's Affairs had established a service to provide legal assistance to women victims of violence. In addition, the Ministry of Women and Children's Affairs was undertaking a multisectoral action programme.

18. The issues of trafficking in women and children had subregional and regional dimensions, and regional cooperation was urgently needed to combat it. Rehabilitation services for repatriated victims were limited and Government-run shelters inadequate. Non-governmental organizations were collaborating in the design of needed programmes in that area.

19. The Constitution provided for equality of all citizens before the law, yet the protection accorded through civil law was outweighed by the inequalities reflected in the personal laws governing some vital areas of women's lives. Women found it difficult to make use of the judicial system because of the lengthy procedures and expense involved, and law enforcement agencies were often hostile or unsympathetic to them. Deficiencies in infrastructure, such as a lack of birth registration or a central database on marriage and divorce registrations, made the enforcement of the Child Marriage Act difficult and polygamy almost impossible to prevent. Although Muslim family law allowed women to inherit property, social customs and family pressure often prevented them from claiming their fair share. Laws on trafficking were sometimes not applied because members of law enforcement agencies were themselves involved. In response, the Government had established a Permanent Law Commission to review and update existing laws with a view to safeguarding women's rights and preventing violence against women.

20. The national development plans, an important means for the advancement of women, had gradually shifted in approach from relief and rehabilitation to women's development. The main aim of the current five-year plan (1997-2002) was to integrate women's development into the overall development framework and reduce gender disparity in all sectors through education, training and income-

generating projects, with special support for educating the girl child. Policy measures envisaged included providing women with access to power through access to resources.

21. The institutional framework to combat gender inequality included the National Policy on Women's Advancement, which provided an overall policy framework for women's development, and the National Council for Women's Development, a 44-member body made up of ministers and secretaries from relevant ministries, public representatives and eminent persons, with the Prime Minister as head. Another major component of that institutional framework was the Ministry of Women and Children's Affairs, whose role included national policy formulation, implementation of special programmes, women's legal and social rights, registration of voluntary organizations and dealing with international organizations. Its role had recently been expanded to include cross-sectoral coordination of women in development and the protection of children. National non-governmental organizations could also be considered a part of that overall institutional framework, since many worked exclusively for women.

22. With regard to the issue of reservations to the Convention, the Government had already announced its decision to withdraw its reservations from article 13, subparagraph (a), and article 16, subparagraph (f). The women's movement in Bangladesh had begun to lobby for full withdrawal of reservations in the context of the preparations for the Beijing Conference.

23. The Ministry of Women and Children's Affairs had been designated the lead ministry for follow-up and implementation of the Beijing Platform for Action; for that purpose, it had set up a small working group called the Core Group for Beijing Follow-up made up of activists and researchers involved in the women's movement and staff of the Department of Women's Affairs. The Group had conducted a sectoral review and needs assessment and had as a result selected 12 ministries for priority attention. Those ministries had been involved in the process of formulating the National Action Plan, which had secured their commitment to its implementation. The Plan emphasized the strategy of mainstreaming women's development in government policies and programmes, on the premise that all ministries and agencies had responsibility for women's development because women were a major portion of the population that each agency existed to serve. The Ministry of Women and Children's Affairs was concentrating on advocacy, communication, coordination and monitoring.

Replies to questions contained in the report of the pre-session working group (CEDAW/C/1997/II/CRP.1/Add.3)

24. Mr. PASHA (Bangladesh) said that two areas of Muslim personal law (one concerning succession and inheritance and the other concerning marriage and divorce) conflicted with article 2 and article 16, paragraph 1 (c), of the Convention. However, as those laws were derived directly from the Koran and Shariah, there was no programme to change them, nor was there any programme to change Hindu laws on such matters that might also conflict with various provisions of the Convention. It was impossible to state whether or not religious laws (or any other non-constitutional law) conflicted with the Constitution's provisions on equality because only the Supreme Court could

decide such questions, in the context of duly constituted legal proceedings; no such proceedings had yet come before any court in Bangladesh.

25. The Government had no plans to withdraw its reservations to article 2 and article 16, paragraph 1 (c), of the Convention, though it might reconsider the issue in the future. However, it had already decided to withdraw its reservations to article 13, subparagraph (a), and article 16, paragraph 1 (f).

26. Under the Fourth Five-Year Plan, which had covered the period 1990-1995, women's labour force participation had risen to 18.2 per cent; life expectancy differences between the sexes had been nearly eliminated; female literacy in relation to male literacy had risen to 73.3 per cent; women had gained greater access to credit and employment, inter alia in industry and the public service; and major gains had been made in terms of health, nutrition and access to services and infrastructure. Further details had been provided in the report (CEDAW/C/BGD/3-4) and in the introductory statement.

27. The provisions of Islamic law in force in Bangladesh did not conflict with the spirit or substance of the Convention except in the case of article 2 and article 16, paragraph 1 (c), in respect of which Bangladesh had expressed reservations.

28. The appointment of 30 seats for women in Parliament had given women greater visibility in the public sphere and had initiated them into the political process. Women members of Parliament brought up a number of women's issues (dowries, unequal wages, child marriage) in the debates, thereby making their male colleagues more sensitive to women's concerns and exerting pressure for the introduction of new legislation. They had also initiated bills to promote women's rights, including one that would have limited polygamy (which had been defeated) and one that proposed direct elections of women to a larger number of reserved seats (which was still under consideration).

29. Under the Bangladesh Decade Plan for the Girl Child, whose major goals were listed in section 2.3.4 of the report, the infant mortality rate had been reduced to 77 per 1,000 in 1994, girls' enrolment had risen to 79.5 per cent in 1995 and the gender gap in enrolment rates had been virtually eliminated, the primary-school completion rate had risen to 60 per cent, the mean age at marriage for girls had risen to 19.9 in 1995 (meaning that the goal for the year 2000 had already been met), 96 per cent of the population had access to safe drinking water and 48 per cent had access to sanitation (exceeding the mid-Decade goal of 35 per cent).

Article 2

30. The Muslim Family Laws Ordinance of 1961 had amended Muslim personal law by modifying inheritance provisions, prohibiting additional marriages after the first marriage without permission from an Arbitration Council constituted according to the Ordinance, imposing procedural restrictions before divorce became effective, prescribing a special procedure for determining the amount of maintenance payable by a husband to his wife and modifying provisions concerning dowers. The Child Marriage Restraint Act of 1929 had raised the marriage age for girls from puberty or 15 years (under Islamic law) to 18 years, and had also

thereby restricted the rule of Islamic law empowering the guardian of a minor to marry the latter before puberty.

Article 3

31. In the context of efforts to spread awareness of women's legal and human rights, the Convention had been translated and disseminated through government agencies and non-governmental and women's organizations. In view of the low literacy rate, it was currently being simplified and illustrated for wider dissemination and use as an advocacy tool and to facilitate village and group discussions. There were campaigns by the Mass Communications Department and a television programme on human rights. Some non-governmental organizations had legal-literacy programmes and some adult education materials included women's human rights issues, as did the Government's rural development programmes. Women's organizations, such as the CEDAW Forum, had also undertaken public awareness programmes on the Convention.

32. The National Council for Women's Development, headed by the Prime Minister and comprised of ministers, secretaries, women legislators and women experts, was the highest policy-making body for women; it provided policy guidelines and improved coordination by promoting cross-sectoral issues. An Inter-Ministerial Coordination and Evaluation Committee headed by the Minister for Women and Children's Affairs consisted of the Joint Secretaries of all government ministries, who served as women-in-development focal points. The Ministry of Women and Children's Affairs was responsible for policy formulation, advocacy, linkage and coordination; its Department of Women's Affairs played a similar role at the field level. Women in Development Focal Points in 40 ministries and departments were responsible for incorporating women-in-development issues into their sectoral plans and for implementing, monitoring and coordinating activities. Lastly, a specialized coordination mechanism, chaired by the Minister for Women and Children's Affairs, had been established to follow up cases of violence against women.

33. Owing to overall resource constraints, the Ministry of Women and Children's Affairs did not yet have the human and other resources it needed to reach its goals. However, it sought to overcome those constraints by mainstreaming women-in-development issues into all other government ministries and departments.

Article 4

34. Ms. CHOWDHURY (Bangladesh) said that the impact of temporary special measures for women's advancement was monitored by the relevant government departments and agencies and by the Inter-Ministerial Coordination and Evaluation Committee.

Article 5

35. Various factors, including women's lack of awareness of their legal rights, prevented the full implementation of laws to combat violence against women. Social and cultural prejudices and gender stereotypes were prevalent and might influence law enforcement agencies and judicial processes. Media campaigns and

training initiatives were being conducted and educational curricula and materials were being revised to eliminate those prejudices and stereotypes.

36. Although the police were supposed to respond immediately to reports of domestic or other violence, such incidents often went unreported because they were considered to be a private matter. Government hospitals provided immediate medical assistance to victims of violence, and the major hospitals had medical social welfare officers who provided counselling and limited financial support; however, specialized care was lacking, and the victims did not always reveal the cause of their injuries. Some non-governmental organizations provided legal counselling, but professional psychological counselling and shelters were in very short supply. The Government was considering the provision of financial assistance to non-governmental organizations that were willing to build and run shelters.

37. A commission had been set up to review all laws concerning violence against women, to identify lacunae and to propose reforms. In addition, a committee to review the Family Law and the Women and Child Repression (Special Provision) Act of 1995 had submitted its report to the Government. Steps were being taken under both civil and criminal law to make enforcement mechanisms more effective. Senior police personnel received specialized training through workshops and seminars. Modules on women's rights and violence against women were included in the training of judges and prosecutors, as were sessions on the Convention and the Convention on the Rights of the Child. Those issues would also be included in the multisectoral project to be initiated by the Ministry of Women and Children's Affairs. Lastly, public awareness campaigns on violence against women were being conducted by the Government and women's organizations. In April 1997, a total of 789 cases of violence against women had been reported.

38. Although Bangladesh had no women's prisons, men and women were separated within existing prisons. With respect to safe custody for victims of violence or trafficking, the practice was to provide such women with secure shelter. The number of remand homes for children (including girls) was inadequate; the Government was considering the establishment of such homes in each district, as well as the establishment of "neutral" homes for women victims of violence or trafficking. A committee on jail reform had been set up, and reforms of criminal procedures were being considered.

39. Inquiry committees to examine cases of custodial rape and violence set their own rules of procedure and held inquiries as quasi-judicial bodies; often, they were vested with the powers of civil courts to summon and examine witnesses and take evidence. The results of such inquiries were made public. The best solution, however, was to bring offenders to regular trial in criminal courts.

40. Domestic violence was included in laws that addressed violence against women, such as the Women and Child Repression (Special Provisions) Act, which provided for harsh penalties for domestic violence. The Government was considering further improvements to the law.

Article 6

41. The constitutional provision on prostitution was one of the fundamental principles of State policy which were not enforceable through the courts. Prostitutes were entitled to the same rights, protection and privileges as other citizens. Health-care services were available to them, as to other citizens, and major hospitals had opened special outdoor centres near or within brothel areas. The Government sought to discourage prostitution, primarily through efforts to reduce poverty, which was at the root of the phenomenon. With respect to the closure of the Kandupatti brothel, the Government was examining ways and means of relocating the evicted women and children and establishing rehabilitation programmes for them; six rehabilitation centres would be set up for such women.

42. The Government maintained active cooperation and coordination with non-governmental organizations in combating trafficking in girls and women. Law enforcement agencies acted promptly on information provided by such organizations, which also participated in the multisectoral project described in section 2.5.1 of the report and in the Department of Women's Affairs working group on trafficking.

Article 7

43. The Prime Minister and the leader of the opposition, both of whom were women, encouraged women's political participation through their personal example. In addition, the Prime Minister had appointed three women to ministerial positions and had approved a scheme whereby women could enter Joint Secretary-level posts from other government service posts. Women voter turnout in recent elections had been striking.

44. The draft Local Government Act would reserve one third of all elected seats in local bodies for the direct election of women candidates at all four levels of local government. The various political parties were responsible for preparing women to compete in elections; the women's movement was mobilizing them to that end.

45. No quantitative data were available on the position of women in trade unions. However, female garment workers, who made up 90 per cent of the workforce in that industry, had recently formed a union.

Article 8

46. The procedures for recruiting women into the foreign service were the same as those for men. Women who did well in the written and oral examinations were able to enter the foreign service. Women applicants benefited from the 15 per cent recruitment quota for women and were also eligible under the merit quota. Sometimes the quotas could not be filled, however, because insufficient numbers of women applied and/or qualified.

47. The Government did not maintain lists of Bangladeshi nationals employed at the United Nations. However, a number of Bangladeshi women were working at

senior levels. The United Nations could play an active role in recruiting Third World women.

Article 9

48. Mr. PASHA (Bangladesh) said that the Government was aware that the Citizenship Act was discriminatory and the Ministry of Women and Children's Affairs had taken up the matter with the Ministry of Home Affairs.

Article 10

49. The Government had initiated various programmes to combat illiteracy, including the Food for Education Programme and programmes for free and universal primary education. A Primary and Mass Education Division had been established under the Prime Minister. Literacy and non-formal education programmes for children and adults initiated by the Government and non-governmental organizations had contributed substantially to an increased enrolment of women and girls. A secondary level scholarship programme and other programmes had been introduced for girls; as a result, the number of girls in secondary schools had increased from 32.5 per cent in 1985 to 47 per cent in 1995, and it was expected that the number of girls in secondary schools would soon equal that of boys. Media campaigns had been conducted by the Government and non-governmental organizations to encourage the education of girls.

50. Almost all foreign-assisted development programmes included awareness-raising programmes, and much of the improvement in the areas of nutrition, family planning and immunization could be attributed to the complementary efforts of the Government and foreign development partners, as well as non-governmental organizations.

51. In 1995 the percentages of female students had been the following: medicine, 41 per cent; agriculture, 8 per cent; engineering, 12.24 per cent; and vocational training, 14 per cent. A special programme had been undertaken by the Bangladesh University of Engineering and Technology with assistance from Canada to encourage women to study energy and mining, and to encourage schoolgirls and college girls to study mathematics with a view to a career in engineering.

52. Educational curricula were being revised to make them more gender-sensitive and remove gender stereotypes. A study to identify the learning needs of girl students had been undertaken with the assistance of the United Nations Children's Fund (UNICEF). Two booklets were being tried out in the light of the needs identified and would be introduced in primary schools in the near future.

Article 11

53. The Government was aware of the problems in the implementation of the minimum wage rate in many factories and private companies. Employment conditions in many factories did not meet the standards of the International Labour Organization (ILO). Television spots had been used for awareness raising about equal wages for men and women for the same work.

54. The Ministry of Labour and Manpower made sure that women workers did not go abroad without the knowledge of their male "guardians" and that they had adequate information about working abroad. Although Bangladeshi embassies abroad were responsible for protecting the interests of Bangladeshi migrant workers, migration sometimes took place without the knowledge of the Government. Some initiatives had been taken by non-governmental organizations to raise awareness among people in the border areas and within the Government administration about the existence of networks of trafficking and prostitution and the risks faced by women workers. The Government had recently designed a project with assistance from ILO and UNICEF for the prevention of child trafficking.

55. Most private firms and all public sector employers provided maternity leave. Information on the number of employers who provided child care facilities was not available.

56. Various labour laws and ILO Conventions ratified by the Government sought to protect the interests of women and children. The informal sector, however, was outside government regulatory mechanisms.

Article 12

57. Although at the community level childbirth care was provided by family welfare assistants and trained traditional birth attendants, the coverage needed to be improved. In rural areas 65 per cent of babies were delivered by untrained providers who were mostly relatives and neighbours. The Government had decided to train an additional 31,000 traditional birth attendants during the period 1997-2000. Information, education and communication activities were under way to sensitize family members to the risks of pregnancy and improve the utilization of trained birth attendants, and a referral system was being developed for complicated cases.

58. The maternal mortality rate had been reduced to 450 per 100,000 live births; despite the preventive measures taken, the prevalence of pregnancy-related morbidities and abortion complications remained very high. Emergency obstetric care initiatives had been expedited to provide care during late pregnancy, labour and the post-partum period.

59. Women resorted to unsafe abortion procedures because of the high number of unwanted pregnancies, especially in rural areas, where abortion morbidities accounted for one fifth of maternal deaths. Menstrual regulation services had been made available in almost all service facilities, and treatment for complications of abortion was available at district and divisional-level hospitals and at thana (Subdistrict) health complexes.

60. Norplant services were being provided throughout Bangladesh by nearly 100 government and non-governmental organization clinics, serving about 10,000 women in urban and rural areas. Comprehensive training had been provided to physicians and counsellors. The quality of services was maintained by strict monitoring and frequent refresher training; as a result, the quality of services for other methods available at the clinics had also improved.

61. According to the 1993-1994 Bangladesh Demographic Health Survey, 44.6 per cent of married women used some method of family planning, including 8.4 per cent who were using traditional methods. Among the modern methods, contraceptive pills were the most prevalent (17.4 per cent), followed by female sterilization (8.1 per cent), injectables (4.5 per cent), condoms (3 per cent of men), intra-uterine devices (2.2 per cent) and male sterilization (1.1 per cent). Male contraception, including traditional methods, accounted for one quarter of the total. Family planning clinical surveillance teams monitored the quality of clinical services nationwide, and there were various ongoing projects to improve the quality of care in health and family planning sectors.

62. Sex pre-selection and female foeticide were not yet a problem in Bangladesh.

63. The Government had set up a national programme to control sexually transmitted diseases (STDs) and acquired immunodeficiency syndrome (AIDS). A national AIDS committee had been established in October 1985 and reconstituted in 1988; the committee advised the Ministry of Health and Family Welfare on all aspects of the human immunodeficiency virus (HIV) and AIDS. A short-term plan had been implemented in 1988, and a medium-term plan had been formulated with assistance from the World Health Organization; financial constraints had delayed its implementation, but activities had continued under an interim plan.

64. A national policy on HIV/AIDS- and STD-related issues had been approved in 1997; it included a policy statement on the human rights of those infected with HIV. The policy endorsed the confidentiality of personal and medical information and recognized the vulnerability of women in protecting themselves against HIV because of their subordinate status.

65. The infant mortality rate in 1995 had been 78 per 1,000 live births. A significant proportion of neonatal deaths resulted from low birth-weight; about 40 per cent of newborn babies were underweight because of maternal depletion, chronic malnutrition and lack of proper antenatal care. The rate could be considerably reduced by the year 2000 if proper maternal care was provided during pregnancy and childbirth and adolescent and high-risk pregnancy were reduced. Emergency obstetric care, safer birth practices and better care for newborns would further improve the situation. Post-neonatal mortality was mainly caused by infections which could be reduced by early and adequate treatment of the infant.

Article 13

66. Ms. CHOWDHURY (Bangladesh) said that women were as eligible as men to take out bank loans if they met the criteria and the collateral requirements. Technically, they did not need the consent of their husbands, although banks sometimes asked for the consent of male relatives, especially since most women did not possess property to fulfil the collateral requirements.

67. Institutions such as the Bangladesh children's and fine arts academies were working to promote recreational facilities and participation in cultural activities and were encouraging women and girls to participate. There was a

women's sports complex in Dhaka, as well as various cultural groups and children's groups. All schools and district-level organizations had sports and cultural programmes. However, the facilities and opportunities for women were limited compared to those for men.

68. Women public servants had the same rights to family benefits as men. Non-governmental organizations and private-sector organizations did not discriminate against women, but many of them did not provide family benefits as most of their positions were temporary. Some State social welfare measures would be introduced in the future as the economy improved.

Article 14

69. Non-governmental organizations had substantially contributed to the creation of self-employment opportunities for women in rural areas through the provision of credit and training and had helped women become aware of the value of their contribution to the family and the national economy. As at March 1997, the Bangladesh Rural Advancement Committee had disbursed 11.714 billion taka to over 1.3 million borrowers, of whom 45,542 were women; as at May 1997, the Grameen Bank had disbursed 71.84 billion taka to 2.13 million borrowers, including 2.01 million women; the Association for Social Advancement had disbursed 4.389 billion taka to 562,000 borrowers up to December 1996; and Proshika had disbursed 2.99 billion taka to 1.06 million borrowers by December 1996.

70. Many non-governmental organizations had created their own marketing outlets for women's products. A number of government bodies had established marketing outlets, and in some cases had created export markets; women were guaranteed fair prices.

71. Inheritance was governed by Muslim personal law, and the Government was bound by that law. In the ownership of land or any other property there was no distinction between men and women, and they enjoyed equal rights.

72. The Government, with assistance from foreign development partners, was implementing programmes for services to rural areas, some of which were specifically targeted at women. Non-governmental organizations were also active in providing services in rural areas. The Rural Electrification Board was expanding its programme to cover all subdistricts in the country, thereby contributing to the increased involvement of rural women in various productive activities.

Article 15

73. Family courts had made litigation involving domestic disputes cheaper and more expeditious.

Article 16

74. Women public servants were bound by the same rules as their male counterparts in relation to family medical benefits.

75. Various public education campaigns had been undertaken to disseminate information about the risks of early pregnancy. Although the law prohibited marriage under the age of 18 for girls, most people did not have birth certificates or other proof of their age and the majority of marriages were not registered. The Government was committed to improving all types of registration. Reproductive health education was being provided to adolescent girls through the educational curricula, and some non-governmental organizations had developed specific training.

76. Dowry payments impoverished the girls's family and often caused indebtedness; non-payment often resulted in violence, separation, abandonment or divorce. Men sometimes married repeatedly in order to receive dowry payments. Dowry payments illustrated the negative value given to girls and women.

77. Following the enactment of the Dowry Prohibition Act in 1980, violations were being prosecuted. Some procedural restrictions had been imposed on the practice of polygamy among Muslim males, and its incidence was declining. Compliance with the Child Marriage Restraint Act was unsatisfactory, and prosecution was rare. As a result of increasing general social awareness, however, the mean age at marriage of girls had risen to 19.9 years among all communities.

The meeting rose at 1.05 p.m.